



**DEPARTMENT OF  
BUILDING AND DEVELOPMENT  
STAFF REPORT**

**Date of Hearing:** December 17, 2013

**PLANNING COMMISSION PUBLIC HEARING**

**SUBJECT:** **ZOAM 2013-0007, Amendments to the Commercial Light Industry Zoning District**

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the Pleasure of the Board

**STAFF CONTACTS:** Theresa Stein, Planner, Zoning Administration  
Nicole C.E. Dozier, Zoning Administrator  
Terrance Wharton, Director, Building and Development

**PURPOSE:** The purpose of this application is to amend the Commercial Light Industry ("CLI") Zoning District in the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance") to encourage additional economic development opportunities in the Route 50 Corridor.

**RECOMMENDATION:** Staff recommends that the Planning Commission forward ZOAM 2013-0007 to a work session for further discussion.

**SUGGESTED MOTIONS:**

1. I move that the Planning Commission forward ZOAM 2013-0007, Amendments to the Commercial Light Industry Zoning District, to a work session for further discussion.

OR

2. I move the Planning Commission forward ZOAM 2013-0007, Amendments to the Commercial Light Industry Zoning District, as amended by the Planning Commission, to the Board of Supervisors with a recommendation of approval.

Or

3. I move an alternate motion.

**CONTENTS OF THIS STAFF REPORT**

Section	Page	Section	Page	Section	Page
Motions	1	Summary of Text Changes	4-6	Criteria for Approval	13
Executive Summary	2	Agency Referrals	6-9	Draft Text	14
Background	2-4	Outstanding Issues	9-13	Attachments	14
Applicability	4				

## **I. EXECUTIVE SUMMARY**

On October 16, 2013, the Board of Supervisors (“Board”) adopted a Resolution of Intent to Amend [**Attachment 1**] the Revised 1993 Loudoun County Zoning Ordinance (“Zoning Ordinance”) to amend the CLI Zoning District (Section 3-900), to include the following: 1) add new permitted and special exception uses; 2) reclassify certain existing special exception uses to permitted uses; 3) add references to the appropriate Additional Regulations for Specific Uses (performance standards) for permitted and special exception uses; 4) revise the Lot and Building Requirements, to include without limitation: a) minimum lot size, b) minimum required yards, c) maximum lot coverage, d) maximum building height, e) maximum base floor area ratio, f) adjusted base floor area ratio, and g) new requirements for density increases pursuant to a unified plan for development; 5) revise existing and add new Performance Criteria, to include without limitation: a) deletion and elimination of certain obsolete manufacturing uses from the list of Prohibit Uses, b) add appropriate references to Route 50, and c) establish new requirements for permitted auxiliary uses; and 6) develop performance standards<sup>1</sup> to regulate the uses in the CLI Zoning District. In addition, the amendment proposes revisions to the Additional Regulations for “Antique Shop; Art Gallery or Studio; Craft Shop” in the CLI Zoning District (Section 5-650).

The draft text is included as **Attachment 2**.

## **II. BACKGROUND**

The CLI Zoning District was established by the Board with the adoption of the 1993 Loudoun County Zoning Ordinance on June 16, 1993 as a means of addressing the land use objectives of the Board to develop an employment corridor of office and light industrial campuses that would support the Dulles Airport and facilitate expansion of Route 50 as a limited access highway; and the economic interests of landowners faced with a pattern of small lots, and limited utilities and road infrastructure. The County, recognizing the importance of the Route 50 corridor as the County’s southern gateway, has planned this corridor for business uses, predominantly office and light industrial development. The zoning district permits a range of employment, retail and service uses, and through development standards, seeks to encourage lot consolidation and limited direct access to Route 50. Because the Zoning Ordinance permits many retail and service uses, there is an existing disconnect with the Comprehensive Plan. The CLI Zoning District applies to a very limited area of the County, located along both sides of Route 50 from the Fairfax County line west to Gum Springs Road. Many of the larger parcels on the north side of Route 50 are split zoned with the Mineral Resource – Heavy Industry (MR-HI) Zoning District, while the parcels on the south side of Route 50 are adjacent to residential zoning districts. There are less than 125 parcels and 690 acres zoned CLI, which represents less than 1% of the total

---

<sup>1</sup> As used herein, the term performance standards also includes the terms use limitations, certain conditions, performance criteria, and other such similar phrases used in the Zoning Ordinance.

land area of the County and approximately 5% of all the business and commercial zoning districts within the County.

In 2012, a group of interested stakeholders from a variety of professional organizations **Attachment 3** (the “Stakeholders”) met with Planning and Zoning Staff several times to discuss changes to the Zoning Ordinance that would encourage economic development Countywide. The Stakeholders identified over 250 issues that they felt hindered business activity and/or impeded economic development, and subsequently generated 14 topic areas of amendments intended to make the Zoning Ordinance more business-friendly. The Board reviewed the 14 topic areas and grouped them into three separate “packages” of Zoning Ordinance amendments that would be processed sequentially. The amendments deemed “Package 1” (ZOAM 2012-0002) were approved on January 16, 2013 with a vote of 8-0-1 (Reid absent for the vote) and went into effect on February 1, 2013.

The “Package 2” amendments directed by the Board include: 1) adding data centers to the Zoning Ordinance; 2) reclassifying certain special exception uses to permitted uses in the commercial and industrial zoning districts; 3) revising the standards for bed and breakfasts; and 4) additional amendments to the CLI Zoning District.

This application, ZOAM 2013-0007, represents amendments to the CLI Zoning District that the Board, at their January 6, 2013 Business Meeting, directed be included in the Package 2 amendments. As part of the outreach effort for this amendment, County Staff sent letters to all of the owners of CLI zoned property requesting their input on other amendments that they felt would improve the business environment along the Route 50 corridor, where the CLI Zoning District is located. In addition, a request for additional input was posted on the Loudoun County Government website. Several property owners of CLI zoned land and several members of the Dulles South Alliance met with County staff on April 24, 2013 and identified amendments for consideration that were in addition to those amendments previously identified and carried over from the Package 1 amendments. Thus, ZOAM 2013-0007 considers all of the amendments to the CLI Zoning District that were forwarded from the Package 1 amendments and other changes that the CLI property owners felt would encourage economic development for their property **Attachment 4**.

Zoning staff worked closely with the Departments of Economic Development, Transportation and Capital Infrastructure, and Planning to identify key issues and prepare the draft Zoning Ordinance text. A request for referral comments was sent to various County agencies and to the Zoning Ordinance Action Group (“ZOAG”) on June 27, 2013. Staff met with ZOAG, comprised primarily of persons participating in the original Stakeholders group, on July 17, 2013 and with a ZOAG subcommittee on July 24 and August 14, at which time additional changes to the CLI Zoning District were proposed by the subcommittee. Those ZOAG recommendations that were not supported by staff were not included in the revised draft; however, all of the suggested changes were provided to the referral agents and advertised so that the Commission and Board could consider the proposals. On September 11, 2013, Staff met with ZOAG to present and discuss the latest changes to the CLI Zoning District. There were several proposed amendments to which Staff and the ZOAG could not agree

and, which are listed as outstanding issues for consideration by the Commission. On October 9, 2013, Milton Herd, Chairman of ZOAG transmitted a letter to Robert Klancher, the Planning Commission Chairman stating that the ZOAG recommendations are largely in concert with the Staff recommendations, however there were three issues that they believed were appropriate, but which staff did not support: 1) adding “convenience food store without gas pumps” as a permitted use; 2) adding “continuing care facility” as a special exception use; and 3) reducing the minimum lot size from two (2) acres to one (1) acre). [**Attachment 5**, pgs A-21, 22]

### **III. APPLICABILITY AND IMPACT TO EXISTING AND FUTURE USES**

#### *APPLICABILITY*

ZOAM-2013-0007 will apply to those properties zoned CLI under the Revised 1993 Loudoun County Zoning Ordinance, which are located along the eastern end of Route 50 from approximately Gum Springs Road to the Fairfax County line. These amendments will impact approximately 5% of all commercially zoned properties in the County. Pursuant to the Zoning Ordinance, the rezoning of land to CLI in other areas of the County is prohibited.

#### *IMPACT TO EXISTING AND FUTURE USES*

Should the Board approve ZOAM 2013-0007, all current special exception uses that become permitted uses will no longer be subject to any conditions of approval that were imposed as part of the approval process. All newly created performance standards will apply to new uses and development, and will not impact existing, legally established uses unless such uses expand. Existing uses will be allowed to take advantage of any reduced yards or increases in building requirements with expansion or redevelopment.

### **V. SUMMARY OF PROPOSED TEXT CHANGES**

The approved Resolution of Intent to Amend and the advertisement for the Planning Commission public hearing included items that were recommended by the ZOAG/Stakeholders and the CLI property owners, but were not included in the draft text, such as adding “continuing care facility”. This was done to allow the Planning Commission and Board of Supervisors the flexibility to consider and include all of the proposed changes. The proposed, draft text [**Attachment 2**] proposes the following changes to the Zoning Ordinance:

- Add a reference to the applicable Section 5-600 performance standards for the existing permitted “Business Service Establishment” use [p. A-4]
- Correct the reference to the CLI Performance Criteria for “Establishments for assembly, fabrication, processing,” etc. [p. A-4]

- Add a reference to the applicable Section 5-600 performance standards for the existing permitted “Nursery, commercial” use [p. A-5]
- Reclassify “Kennel, indoor” from a special exception use to a permitted use [p. A-6]
- Add a new permitted use “Convention or exhibition facility, 25,000 sf or less and no direct access to Route 50” [p. A-6]
- Add a new permitted use “Auxiliary uses” with performance criteria [p. A-6]
- Add to permitted use list existing “Accessory uses” with performance criteria [p. A-6]
- \*Reclassify “Museum or Exhibition Facility” from a special exception use to a permitted use, and add “no direct access to Route 50” [p. A-6]
- Reclassify “art gallery” from a special exception use to permitted use, and add a new permitted use “Antique Shop” pursuant to performance standards [p. A-6]
- Add a new permitted use “Banquet/Event Facility, 25,000 sf or less and no direct access to Route 50” [p. A-6]
- Add a reference to the applicable Section 5-600 performance standards for the existing special exception use “Convenience food store” [p. A-6 ]
- \*Add “Exhibition” to the existing special exception use “Convention Facility” and add “in excess of 25,000 sf and no direct access to Route 50” [p. A-6 ]
- Add a reference to the applicable Section 5-600 performance standards for the existing special exception use “Contractor Service Establishment” [p. A-6]
- Add “including fast-food with or without drive-through, not otherwise permitted per 3-907(E) and 3-907(O)” to the existing special exception use “Restaurant” [p. A-7]
- Add a new special exception use “Library” [p. A-7]
- \*Add a new special exception use “Banquet/Event Facility, in excess of 25,000 sf and no direct access to Route 50” [p. A-7]
- \*Add a new special exception use “Medical Office” [p. A-7]
- Reduce the required yard, adjacent to other nonresidential district from 25-feet to 15-feet and add language found in other commercial districts regarding the application of the yard requirement [p. A-8]
- Standardize the required yards adjacent to residential districts [p. A-8]
- Increase the lot coverage from 0.45 to 0.60 with special exception approval [p. A-8]
- Increase the maximum building height from 45-feet to 60-feet and allow for a maximum building height of 100-feet with additional one-to-one setback over 60-feet [pgs. A-8, 9]
- Increase the maximum base floor area ratio (FAR) from 0.30 to 0.40 [p. A-9]
- Specifically name the highway (Route 50) that is the subject to the bonus density [p. A-9]
- Create the bonus density applicable to a “unified plan for development” and establish parameters of such unified plan [p. A-10]
- Clarify that the cumulative bonus density is a maximum of 0.60 FAR [p. A-10]
- Eliminate certain prohibited manufacturing uses that are deemed obsolete [pgs. A-13, 14]
- Establish Performance Criteria for new permitted “auxiliary uses” and the uses to which they are auxiliary [p. A-15].
- \*Establish Performance Criteria for stormwater management criteria [p. A-15]

- \*Create Performance Criteria for erosion and sediment controls when adjacent to sensitive environmental features [p. A-15]
- \*Create Performance Criteria to require Phase 1 Archaeological survey with each site plan application [p. A-16]
- Amend Performance Standards found in Section 5-650 to apply to the new permitted use “Antique shop; Art Gallery” with regard to site and structure size [p. A-17].

The changes denoted above with an asterisk are those that were not previously reviewed by ZOAG or those changes where there is a disagreement with staff. See Section VII, *Issues* and **Attachment 6**, *Issues Matrix* for further discussion.

## **VI. AGENCY REFERRALS**

### **ZOAG**

The Zoning Ordinance Action Group (ZOAG) acted as a referral agent for this application. Staff met with the full ZOAG on July 17, 2013 to discuss the changes proposed in the draft text. A ZOAG subcommittee was formed and reviewed the draft text with staff on July 24 and August 14, 2013, wherein staff provided their rationale for not including all of the changes proposed from the original Stakeholders issues and from the April 24, 2013 meeting with the CLI property owners. During the subcommittee meetings, additional uses and changes were suggested by the subcommittee beyond the items specifically moved to Package 2 by the Board and those items suggested by the CLI property owners, which included a review of all permitted and special exception uses in the PD-IP and PD-OP Zoning Districts that are not found in the CLI Zoning District. Because additional items were added to the list of proposed changes and because ZOAG reviewed the draft text that was prepared prior to receiving all first referral comments from various County agencies, a second round of referral comments was requested on August 26, 2013, with comments due by September 10, 2013. The subcommittee's recommendations were brought to the full ZOAG on September 11, 2013 at which time the full ZOAG voted on supporting the recommended changes. Generally, ZOAG concurred with the draft text as proposed at the September 11 meeting, but as noted earlier, there were three changes recommended by ZOAG that were not supported by staff: (1) reclassifying “Convenience food store without gas pumps” from a special exception to permitted use; (2) adding “continuing care facility” as a new special exception use; (3) and reducing the minimum lot size from 2 acres to 1 acre. A few members of ZOAG also felt that “Museum” should be a permitted use without restrictions on Route 50 access, and that the restriction on direct access to Route 50 for “Banquet/Event Facility” and “Convention or exhibition facility” should be eliminated when special exception approval is sought for facilities exceeding 25,000 square feet.

As stated, ZOAG and staff concur on the majority of changes associated with this amendment; however, there are a few issues where staff and ZOAG do not concur or where additional changes were made to the draft text after meeting with ZOAG and after

receiving all of the referral comments. The issues are outlined in Section VII of the Staff Report and in **Attachment 6**, Issues Matrix [pgs. A23-A28]. Staff recommends a review of these issues at a work session following the Planning Commission Public Hearing.

## *PLANNING*

The Department of Planning referral [**Attachment 7a**] notes that the Revised General Plan ("Plan") designates the area along Route 50 to be Business, Industrial and Hybrid Retail, in which employment uses should be the predominant component along the majority of Route 50. Outside of the Hybrid Retail area in Arcola, a limited amount of accessory retail (10%) is permitted. The 2010 Countywide Transportation Plan ("CTP") calls for the interim condition of Route 50 to be a controlled access median divided urban arterial road with individual site access terminated, and the ultimate condition to be limited access median divided with grade separated interchanges. Currently, the CLI Zoning District allows for a variety of commercial uses that generate high traffic volumes and do not promote the coordinated and efficient land use or traffic pattern envisioned by the County for the Route 50 corridor. The proposed amendments further the disconnect between the CLI Zoning District, and the Plan and CTP, which envisions the Route 50 corridor as the southern gateway into Loudoun County. Allowing additional uses, whether by-right or by special exception, that generate large traffic volumes with direct access to Route 50, makes it more difficult to achieve the interim condition for Route 50, as well as the ultimate condition, called for in the CTP.

The Planning referral addressed those changes that were in the draft text, but did not consider new uses that were added by ZOAG subsequent to the second referral, such as "convenience food store without gas pumps". The referral noted that any reclassification of special exception uses to permitted uses, most of which are high traffic generators and retail-oriented, would prohibit the County from reviewing the use on an individual site basis and formulating conditions that mitigate the impact of such use upon surrounding properties and addressing Route 50 access issues.

The permitted uses proposed in the draft text are reasonable and satisfy Plan policies due to the proposed limits on size and access, and the proposed special exception uses are reasonable as there is an opportunity to mitigate impacts through the legislative process. Further, proposed permitted auxiliary uses, which are retail in nature, when developed in conjunction with a unified plan for development is reasonable as it ensures that the auxiliary uses are supportive of the office and light industrial components in the district. Reductions in yards and increases in base FAR are supported because they are within the framework envisioned for the Route 50 corridor.

The Planning Department referral concludes with the recommendation that the Planning Commission and Board may want to consider remapping the CLI Zoning District to another more appropriate zoning district that will further the County's long-term vision of the Route 50 corridor [p. A-35]. The Board, during the October 16, 2013 Business Meeting, discussed its Strategic Plan Initiatives and voted unanimously to continue to

process the amendment to the CLI Zoning District and to revisit the remapping discussion following the Planning Commission review and recommendation.

## *TRANSPORTATION*

The Department of Transportation and Capital Infrastructure (DTCI) issued a first [pgs. A36, 37] and second referral [pgs. A38, 39] to address the additional changes proposed by ZOAG [**Attachment 7b and c**]. In summary, DTCI recommended that “motor vehicle sales”, “convenience food stores without gas pumps” and “automobile service stations” not be reclassified from special exception uses to permitted uses due to their significant traffic volumes and resulting impact upon Route 50, which is to be converted to a limited access road pursuant to the CTP. Allowing such uses by-right would eliminate the opportunity for legislative review of site-specific access and traffic circulation that would take into account the ultimate road condition. DTCI acknowledged that certain office uses are currently permitted, but noted that “medical office” generates over three times the number of daily trips and over twice the number of PM peak hour trips as compared to equivalent-sized general office uses; therefore, inclusion of “medical office” as a special exception use is preferred because it would allow for individual site assessment that could address additional traffic implications. DTCI does not support “continuing care facility” as a new special exception use because, based upon the Zoning Ordinance definition, such facilities may not necessarily be limited to senior housing, and as such, may generate significant traffic. DTCI could support reclassifying convention and banquet facilities to permitted uses with a size limitation and Route 50 access restrictions. Finally, DTCI recommends that the introduction of new permitted uses or special exception uses that have high trip generation rates be allowed only if they do not have direct access to/from Route 50, as individual direct access points jeopardize the benefits of the increased capacity now being constructed by Virginia Department of Transportation east of Poland Road and could hinder the conversion of Route 50 to its ultimate CTP designation as a limited/restricted access road.

## *ECONOMIC DEVELOPMENT*

The Department of Economic Development (DED) [**Attachment 7d**] has been a key member of the County team working on the CLI Zoning District text amendments and supports the draft text. DED recommended a review of Section 3-907(J), which lists prohibited manufacturing uses, as they appear outdated and unnecessary, and in particular supported the removal of “alcoholic beverage manufacturing” in order to allow for the potential of locating a brewery in the CLI Zoning District [pgs. A-40]. In addition, DED reached out to organizations familiar with banquet and convention facilities after the initial referral and the subsequent addition of uses recommended by the ZOAG subcommittee. They concluded that the attractiveness to Route 50 for such facilities would be limited because of the desired ancillary uses, such as hotels, and that Route 50 would likely attract smaller scale facilities because of its location.



### *ENVIRONMENTAL REVIEW TEAM*

The Environmental Review Team (ERT) referral [**Attachment 7e**] recommends a separate comprehensive Zoning Ordinance amendment to implement environmental and cultural performance standards in all zoning districts, given the recently approved and active Zoning Ordinance amendments to allow more uses by-right. ERT examined the cultural resources along both sides of Route 50 from Gum Springs Road to the Fairfax County line. Route 50 is a historic transportation corridor and the presence of waterways in the area indicates that there is a moderate to high probability that more archaeological resources would be found on the CLI parcels. Indeed, a number of archaeological resources and sites have been identified adjacent to or near Route 50. To minimize impacts of the proposed ZOAM on cultural and environmental resources, ERT recommends a number of additional performance standards. Staff has incorporated the ERT recommendation for a performance standard concerning the preparation of a Phase I archeological survey, enhanced erosion and sediment control measures, and on-site stormwater management, as these have been included in recent ZOAMs that have come before the Planning Commission; however, it is noted that the draft text issued to ZOAG on August 26, 2013 with the second referral did not include these performance criteria. Therefore, they have been highlighted in the Issues Matrix in **Attachment 6** [p. A-27]

### *ENGINEERING DIVISION*

The Engineering referral recommended against reducing the minimum lot size to one acre as the increased density possible with one acre lots would have deleterious effects on traffic through increased turning movements, commercial entrances in closer proximity to each other, and increased demands on driver attentiveness. Engineering also recommended that “retail sales establishments” and “motor vehicle sales” remain as special exception uses because the type of traffic typical of such uses would be in conflict with the traffic typical of light industrial uses [**Attachment 7f**].

### *COUNTY ATTORNEY*

The County Attorney's Office (CAO) provided an abbreviated review of the draft text that was primarily editorial in nature. One suggested change was to the existing special exception use “Restaurant”. The CAO recommended that the use be clarified so as to distinguish it from restaurant uses that are permitted by-right as auxiliary to a proposed unified plan for development or permitted as an accessory use.

## **VII. SUMMARY OF OUTSTANDING ISSUES**

Staff has identified the following issues, which are also highlighted in the Issues Matrix [**Attachment 6**], for the Planning Commission's consideration. The issues include: (1) those identified in ZOAG's letter to the Chairman of the Planning Commission [**Attachment 5**]; (2) those that ZOAG members questioned during their meeting on

September 11, 2013; and (3) those related to changes made to the draft subsequent to the September 11, 2013 ZOAG meeting, after all County agency referrals were received. The outstanding issues are:

1. Medical office as a permitted/special exception use.

Staff originally proposed “medical office” as an addition to the existing, permitted use “Office, administrative, business and professional”. However, after reviewing the traffic impacts found in the Institute of Transportation Engineers’ Trip Generation Report, 9<sup>th</sup> Edition, which estimates that medical office generates over three times the number of daily trips and over twice the number of PM peak hour trips as compared to professional office, staff reconsidered this use and revised the draft to make it a special exception use. Route 50 already experiences a great amount of congestion during peak hours. Because Route 50 is classified as a controlled access road in the interim and a limited access road as its ultimate condition pursuant to the CTP, and because the medical office use generates three times the traffic volume, Staff recommends that the use require special exception approval to allow each site to be evaluated on an individual basis so that its unique circumstances can be addressed during the legislative process.

2. Museum or Exhibition Facility, with no direct access to Route 50 as a permitted use.

ZOAG’s letter to the Chairman of the Planning Commission did not mention it, but some members of ZOAG did not support the proposed restriction on direct access to Route 50. During the first referral, it was suggested that museum be reclassified as a permitted use because of the Route 50 policies that promote tourism as a way to recognize and strengthen the County’s southern gateway. However, the Plan allows for certain commercial and retail uses when certain criteria are met, one of which is no direct access onto Route 50 in order to mitigate transportation impacts and facilitate the interim condition of Route 50 as a limited access road. Therefore, as an individual, stand-alone use, staff recommends museums and exhibition facilities be prohibited from direct access to Route 50. However, it should be noted that a “Museum or Exhibition Facility” developed as part of a unified plan for development, with consolidated access for several land uses, may have direct access to Route 50.

3. Convenience food store without gas pumps as a permitted use.

ZOAG recommended that “convenience food store without gas pumps” be reclassified from a special exception use to permitted use. This is one of the outstanding issues outlined in ZOAG’s letter to the Chairman of the Planning Commission [**Attachment 5**]. At the April 24, 2013 meeting, CLI property owners also stated that they wanted “Convenience food store” reclassified as a permitted use. Staff does not support the reclassification to a permitted use, either with or without gas pumps, because reclassifying such use increases the inconsistencies between the planned land use and the CLI Zoning District along Route 50, as well as adds to the potential for strip commercial development. The Route 50 corridor is an emerging corridor with a lack of

business uses and supportive retail and commercial uses presently. Staff notes that existing and approved retail and commercial service uses within the Route 50 corridor comprise approximately 5.6 million square feet. The proposed draft amendments do permit convenience food stores as an auxiliary use when part of a unified plan for development. Allowing a convenience food store as an auxiliary use may be appropriate within the CLI Zoning District as it allows property owners to develop the use on a standalone basis while ensuring it is supportive of the office and/or light industrial component of a Business Community and the manufacturing component of an Industrial development. The high traffic volume generated by the use will make the County's implementation of the interim condition of Route 50 as a limited access road more difficult and push the desired ultimate condition of Route 50 further away. Permitting the use by-right will not allow the Commission and Board the opportunity to review the use on a site specific basis and impose conditions to mitigate potential negative impacts.

4. Convention or Exhibition Facility in excess of 25,000 sf and no direct access to Route 50 AND Banquet/Event Facility, in excess of 25,000 sf and no direct access to Route 50 as special exception uses.

While these uses were not identified as one of the issues in ZOAG's letter to the Chairman of the Planning Commission, members of the full ZOAG questioned the need to continue to restrict direct access to Route 50 for "Convention or Exhibition Facility" and "Banquet/Event Facility" when the uses require special exception approval over 25,000 square feet of development. Restricting access to Route 50 when the permitted uses are less than 25,000 square feet is not an issue. Staff does not support any direct access to Route 50 for these uses, even when under special exception review, as both uses generate a high volume of peak hour traffic, which is not consistent with the County's CTP goal of a limiting access to Route 50 from individual parcels. As a by right use, there is no way to guarantee that such uses will be located at median breaks or in areas where traffic lights could assist in the orderly conduct of traffic onto Route 50 at peak hours.

5. Continuing care facility as a new special exception use.

During the initial meetings with ZOAG, it was suggested that "continuing care facility" be added as a special exception use, as ZOAG believes it is beneficial to locate such facilities near the residential uses in the area. This is one of the three issues that ZOAG identified in the letter to Chairman of the Planning Commission [**Attachment 5**]. Staff does not support the addition of "continuing care facility" as a special exception use as the CLI Zoning District is meant for commercial and light industrial uses. No residential uses are permitted in the CLI Zoning District except for dwellings used by caretakers. The definition of "continuing care facility" in the Zoning Ordinance is different than a Continuing Care Retirement Facility ("CCRF"). As defined in the Plan, a CCRF is intended to give seniors the option to "age-in-place" and is typically comprised of independent living units as the predominant use, with a minimum of 15% of the total dwelling units consisting of assisted living and skilled nursing units. The Zoning

Ordinance defines a “continuing care facility” as a facility that may consist of any one or all three types of care: congregate living facility, adult assisted living, or nursing home. A continuing care facility, according to the Zoning Ordinance may be for senior living, but there are no age restrictions unless the facility is within the Planned Development – Active Adult/Age Restricted (PD-AAAR) zoning district. The Plan identifies appropriate locations for CCRF as those planned for Business and Residential uses within the Suburban Policy Area, when specific criteria are met. The evaluation criteria allows each site to be evaluated based on a case-by-case basis. Staff notes that several zoning districts permit a “continuing care facility” by special exception; however, all of these districts are residential zoning districts.

In addition, capital facility impacts associated with a “continuing care facility” are not captured in current County budgetary planning documents as residential uses are not anticipated in the CLI district. Typically these types of facilities are predominately comprised of independent living units and the County does see demands on public facilities and programs. School impacts may also be incurred as the Zoning Ordinance definition for a “continuing care facility” does not require an age restriction. As such, these types of facilities are best assigned to residential zoning districts where impacts can properly be evaluated and incorporated into County budget processes.

Finally, several CLI properties are either split-zoned with or are adjacent to industrial uses and/or zoning districts so that potential residents would not be sufficiently protected from negative impacts of adjacent uses.

6. Reduction in the minimum lot size from two to one acre.

This is the final issue that ZOAG identified in its letter to the Chairman of the Planning Commission [**Attachment 5**]. ZOAG believes that reducing the minimum required lot size makes the CLI Zoning District consistent with other employment districts, such as PD-OP and PD-IP. Also, ZOAG believes that the current 2 acre minimum acts as a disincentive to parcel consolidation since it requires assemblages to be twice as large as other employment districts. Staff does not support the reduction in the minimum lot size as it would increase the number of lots that could potentially have direct access to Route 50, which would be in direct conflict with the CTP that calls for limited/restricted access onto Route 50. Creating smaller parcels in the CLI Zoning District will not make development upon those lots any easier, and may, in fact, create more hardships, as required yards, setbacks, and landscape buffers will be more difficult to meet on smaller lots and, in addition, smaller lots make it more difficult to provide the required parking. With the increased incentive to consolidate parcels through the unified plan for development, reducing the minimum lot size is counter-productive.

7. Addition of Stormwater management, erosion and sediment controls, and archaeological performance criteria.

These 3 issues were not reviewed by ZOAG, as they were developed and added to the

CLI Performance Criteria after receipt of the ERT referral, which was subsequent to the last meeting with ZOAG. Similar provisions were part of other Zoning Ordinance amendments that have proceeded, such as data centers and public schools. The requirement to provide a Phase I archaeological survey was added due to the cultural and historical resources located along the Route 50 corridor, as discussed in the ERT referral. Erosion and sediment control practices were added, and apply when an outfall drains to a sensitive environmental feature, such as very steep slopes. A requirement for on-site stormwater management was added to support and strengthen regulations already in place.

## **VIII. ZONING ORDINANCE CRITERIA FOR APPROVAL**

Section 6-1211(D), Text Amendments, of the Revised 1993 Loudoun County Zoning Ordinance states "...for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters:"

Standard      *Whether the proposed text amendment is consistent with the Comprehensive Plan.*

Analysis      Presently, the CLI Zoning District is not consistent with the designated land use along the Route 50 corridor. As proposed, the amendments seek to add new permitted uses and special exception uses, or reclassify existing commercial, retail, and service special exception uses to permitted uses along the Route 50 corridor, which is planned for business uses (predominately office and light industrial development). An increase in commercial, retail and service runs counter to the intended purpose of the CLI Zoning District and works against the implementation of the Plan policies for this area of the County. The Plan policies are intended to create value, protect the viability of existing uses and minimize conflicts between different uses. Therefore, the proposed text amendments are not fully consistent with the Comprehensive Plan.

Standard      *Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.*

Analysis      The purpose and intent of this Zoning Ordinance is defined under Section 1-102, which states: "This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan." Use compatibility within the zoning district and traffic conflicts were raised as concerns with regard to the proposed amendments. The amendments are not fully consistent with the intent and purpose of the Zoning Ordinance.

## IX. DRAFT TEXT

Draft text is included as **Attachment 2**.

<b>X. ATTACHMENTS</b>	<b>Attachment</b>	<b>Page</b>
1	Copy Teste/Resolution of Intent to Amend dated October 16, 2013	A1-3
2	Draft text revised November 8, 2013	A4-18
3	Stakeholder and ZOAM Members	A-19
4	Package 2 and CLI Property Owner desired changes	A-20
5	October 9, 2013 letter to Planning Commission from ZOAG	A21-22
6	Issues Matrix	A23-28
7	Referrals	
7a	Department of Planning, Comprehensive Planning	A29-35
7b & c	Department of Transportation and Capital Infrastructure, Transportation	A36-39
7d	Department of Economic Development	A40
7e	Building and Development, Environmental Review Team	A41-45
7f	Building and Development, Engineering	A46-47
8	Map of the Existing CLI Zoning District	A48
*This Staff Report with attachments (file name PCPH STAFF RPRT 7-16-13.PDF) can be viewed online on the Loudoun Online Land Applications System (LOLA) at <a href="http://www.loudoun.gov">www.loudoun.gov</a> . Paper copies are also available in the Department of Planning.		



Loudoun County, Virginia

[www.loudoun.gov](http://www.loudoun.gov)

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, October 16, 2013 at 4:00 p.m.

IN RE: ZOAM 2013-0007/RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE FOR THE PURPOSE OF AMENDING THE COMMERCIAL LIGHT INDUSTRY (CLI) ZONING DISTRICT (DULLES AND BLUE RIDGE)

Mrs. Volpe moved that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance, provided as Attachment 1 to the Action Item for the Board of Supervisors October 16, 2013, Business Meeting, to implement ZOAM 2013-0007 for the Purpose of amending the regulations for the Commercial Light Industry (CLI) Zoning District.

Seconded by Mr. Reid.

Voting on the Motion: Supervisors Buona, Clarke, Delgaudio, Higgins, Letourneau, Volpe, Reid, Williams and York – Yes; None – No.

  
DEPUTY CLERK FOR THE LOUDOUN  
COUNTY BOARD OF SUPERVISORS

(11-ZOAM 2013-0007/RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE FOR THE PURPOSE OF AMENDING THE COMMERCIAL LIGHT INDUSTRY (CLI) ZONING DISTRICT (DULLES AND BLUE RIDGE)

October 16, 2013

**BOARD OF SUPERVISORS OF LOUDOUN COUNTY**

**RESOLUTION OF INTENT TO AMEND ARTICLES 3 AND 6 OF THE  
REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE**

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors adopted a Workplan on February 14, 2012, to review the Revised 1993 Loudoun County Zoning Ordinance to develop Zoning Ordinance Amendments (ZOAM) for the stated purpose of advancing commercial development throughout the County with the overall objective being to encourage a more business-friendly environment; and

WHEREAS, the Board of Supervisors provided additional direction and prioritization of such Amendments on June 19, 2012, and further direction and prioritization by Resolution adopted on July 17, 2012; and

WHEREAS, the Board of Supervisors affirmed a strategic plan on November 7, 2012, that identified certain land use initiatives, to include without limitation, amendments to the Revised 1993 Loudoun County Zoning Ordinance in regard to the Commercial Light Industry (CLI) Zoning District, and reviewed a work plan to accomplish such amendments that was contained in the June 5, 2013, Information Item; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 3 and 5 of the Revised 1993 Loudoun County Zoning Ordinance to revise certain regulations in regard to the CLI Zoning District and to further commercial and industrial development in the County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Amend Section 3-900 et seq., Commercial Light Industry (CLI), to:
  - Establish and/or add new Permitted Uses and Special Exception Uses;
  - Reclassify certain existing uses from Special Exception Uses to Permitted Uses;
  - Add references to the appropriate Additional Regulations for certain Permitted Uses and Special Exception Uses;
  - Revise Lot Requirements, to include without limitation, revision to the minimum lot size and minimum required yards;
  - Revise Building Requirements, to include without limitation, revision to the maximum lot coverage, maximum building height, maximum base floor area ratio, and adjusted base floor area ratio, and establish new requirements for density increases pursuant to a unified development plan;



- Revise Performance Criteria, to include without limitation, deletion and elimination of certain obsolete manufacturing uses from the list of Prohibit Uses, add appropriate references to Route 50, and establish new requirements for permitted auxiliary uses; and
- 2. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to establish new, and revise existing, additional regulations for specific uses, in order to mitigate the impacts of reclassifying certain uses from Special Exception Uses to Permitted Uses, or as otherwise necessary to implement the foregoing amendments; and
- 3. Amend such other sections of the Revised 1993 Loudoun County Zoning Ordinance as may be necessary to fully implement and maintain consistency with the foregoing amendments, to correct typographical errors and update references, and to achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

## Section 3-900

### CLI - Commercial Light Industry.

#### 3-901

**Purpose.** The purpose of the CLI district is to accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50/John Mosby Highway Corridor. The CLI district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The CLI district is intended to generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor. The district may allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.

#### 3-902

**Size and Location.** The CLI district is mapped only along the eastern end of Route 50 as depicted on the Zoning Map. The rezoning of land to CLI in other areas of the County shall not be permitted.

#### 3-903

**Permitted Uses.** The following uses shall be permitted in the CLI district subject to the requirements and performance criteria of these regulations:

- (A) Adult day care facility, pursuant to Section 3-907(F).
- (B) Animal hospital.
- (C) Bakery, commercial.
- (D) Business service establishment, pursuant to Section 3-907(F) and Section 5-661.
- (E) Child care center, pursuant to Section 5-609(B) and Section 3-907(F).
- (F) Church, synagogue and temple.
- (G) Conference or training center, pursuant to Section 3-907(F).
- (H) Dwelling, single family, accessory to permitted or special exception uses.
- (I) Educational institution, pursuant to Section 3-907(F).
- (J) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(~~H~~J).
- (K) Fire and/or rescue station.

- (L) Flex industrial uses, pursuant to Section 5-608.
- (M) Funeral home or mortuary.
- (N) Health and fitness center, pursuant to Section 3-907(F).
- (O) Hotel/Motel, 75 rooms or greater, pursuant to Section 5-611 and Section 3-907(F).
- (P) Mass transit facilities.
- (Q) Medical care facility, outpatient only, pursuant to Section 3-907(F).
- (R) Nursery, commercial, pursuant to Section 5-605.-
- (S) Office, administrative, business and professional, pursuant to Section 3-907(F).
- (T) Park, public.
- (U) Police Station.
- (V) Post office, drop off and pick up.
- (W) Postal service, including overnight mail distribution facility.
- (X) Printing service.
- (Y) Public utility service center, without outdoor storage.
- (Z) Research, experimental, testing or development activities.
- (AA) Sewer pumping station.
- (BB) Telecommunications antenna, pursuant to Section 5-618(A).
- (CC) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (DD) Utility substation, dedicated.
- (EE) Utility substation, distribution, pursuant to Section 5-616.
- (FF) Veterinary service.
- (GG) Warehousing facility.
- (HH) Water pumping station.

- (II) Wholesale trade establishment, pursuant to Section 5-663.
- (JJ) Facility for lessons in dance, gymnastics, judo and sports training.
- (KK) Data center, pursuant to Section 5-664 (ZOAM 2013-0003).
- (LL) Kennel, indoor, pursuant to Section 5-606 and 3-907(F).
- (MM) Convention or exhibition facility, 25,000 sq. ft. or less and no direct access to Route 50.
- (NN) Auxiliary uses, pursuant to Section 3-907(O).
- (OO) Accessory uses, pursuant to Section 3-907(E).
- (PP) Museum or Exhibition Facility, with no direct access to Route 50.
- (QQ) Antique Shop; ~~Art Gallery~~, pursuant to Section 5-650(B)(1) and (2), and 3-907(F), with no outdoor storage.
- (RR) Banquet/Event Facility, 25,000 sq. ft. or less and no direct access to Route 50.

### 3-904

**Special Exception Uses.** The following uses may be permitted by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300. In addition, the uses listed below shall be developed in accordance with Section 3-907(F) and all other applicable performance criteria.

- (A) ~~Art Gallery.~~
- (B) Automotive Service Station.
- (C) Bank or Financial Institution, pursuant to Section 5-659.
- (D) Convenience food store with or without gas pumps, pursuant to Section 5-617.
- (E) Convention or Exhibition Facility, in excess of 25,000 sq. ft. and no direct access to Route 50
- (F) Car wash.
- (G) Contractor Service Establishment, pursuant to Section 5-662.
- (H) Distribution Facility.

- (I) Heliport or helistop.
- (J) ~~Kennel, indoor, pursuant to Section 5-606.~~
- (K) Motor vehicle rental.
- (L) Motor vehicle sales.
- (M) Motor vehicle service and repair, light.
- ~~(N) Museum or Exhibition Facility.~~
- ~~(O)(N)~~ Personal service establishment.
- ~~(P)(O)~~ Private club or lodge.
- ~~(Q)(P)~~ Public utility service, with outdoor storage.
- ~~(R)(Q)~~ Radio, radar and/or television tower.
- ~~(S)(R)~~ Restaurant, including fast-food, with or without drive-through, not otherwise permitted per 3-907(E) and 3-907(O).
- ~~(T)(S)~~ Retail sales establishment.
- ~~(U)(T)~~ Sewage treatment plant.
- ~~(V)(U)~~ Telecommunications monopole, pursuant to Section 5-618(B)(2).
- ~~(W)(V)~~ Telecommunications tower, pursuant to Section 5-618(C)(2).
- ~~(X)(W)~~ Utility substation, transmission, pursuant to Section 5-616.
- ~~(Y)(X)~~ Utility transmission lines, overhead.
- ~~(Z)(Y)~~ Water storage tank.
- (Z) Water treatment plant.
- (AA) Library.
- (BB) Banquet/Event Facility, in excess of 25,000 sq. ft. and no direct access to Route 50.
- (BB) Medical Office.

### 3-905

#### Lot Requirements.

- (A) **Size.** Two (2) acres minimum.

- (B) **Width.** 200 feet minimum.
- (C) **Depth.** 200 feet minimum.
- (D) **Yards.**
  - (1) **Adjacent to Roads.** Except where a greater setback is required by Section 5-900, thirty five (35) feet for building; twenty five (25) feet for parking.
  - (2) **Adjacent to Parcel Boundaries.**
    - (a) **With Other Nonresidential Districts.** Fifteen (15) 25 feet minimum, for buildings; 10 feet minimum for; parking ~~lot~~, outdoor storage, and loading ~~unloading~~ areas, and areas for the collection or storage of refuse, except where a greater yard is required by Section 5-1400. In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line. The Zoning Administrator may waive the parking ~~lot~~-yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.
    - (b) **With Residential Districts.** Twenty-five (25) feet minimum. No building, parking lots, loading/unloading areas, outdoor storage, or areas for the collection or storage of refuse shall be permitted in any required yard adjacent to a residential zoning district.

### 3-906

#### Building Requirements.

- (A) **Lot Coverage.** .45 percent maximum; up to .60 maximum by Special Exception.
- (B) **Building Height.** 45 Sixty (60) feet maximum provided that a building may be erected to a maximum height of one hundred (100) if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than. ~~The maximum building height may be increased provided that~~ one (1) foot ~~is added to each of the required yard setbacks~~ for each additional one (1) foot of

building height ~~that it exceeds the sixty (60) foot limit up to a maximum of (55) feet total height.~~ Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.

(C) **Base Floor Area Ratio (FAR).** 0.~~30~~ .40 maximum.

(D) **Adjusted Base Floor Area Ratio (FAR).**

(1) The base floor area ratio in the CLI district may be increased on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:

(a) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties where any portion of such properties is located ~~or portions of properties located~~ within 600 feet of the right-of-way of Route 50 ~~of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)~~ if:

(i) Such properties are not located at an existing median break of such road; and

(ii) The owner(s) of such properties permanently relinquish direct access to Route 50 ~~such road~~; and

(iii) The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses. Such shared access agreements shall remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement. The shared access agreement shall be depicted on the site plan(s) for the subject parcels and shall include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation Services and VDOT.

- (b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties where any ~~or~~ portion of such properties are located within 600 feet of the right-of-way of ~~a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)~~ Route 50 if the owner(s) of such properties file a unified plan for development ~~consolidates such properties for development purposes~~ with ~~a~~ contiguous parcels of land which, when combined, total at least 20 acres. For the purposes of this Section, a unified plan for development shall mean: (1) development involving multiple parcels that is approved with a single site plan application and (2) all parcels subject to the unified plan for development shall share no more than one point of access onto Route 50. Single entity ownership is not required, but a single commercial owners association shall be formed as evidenced by a Deed of Declaration and Covenants that sets forth maintenance, design standards, etc.
- (c) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties where any ~~or~~ portion of such properties are located within 600 feet of the right-of-way of Route 50 ~~a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)~~ if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 ft. along the road from the right-of-way of Route 50.
- (2) The density increase can be granted singly or cumulatively, up to a maximum of .60 FAR.

3-907

**Performance Criteria.** The purpose of the following sections is to achieve a design whereby buildings are located, oriented and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the district as a principal gateway into Loudoun County.

- (A) **Transportation Design.** Transportation elements shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop



signs or traffic calming features. Left-turn storage and right turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. To the maximum extent feasible, land development applications shall identify opportunities and methods for shared access and inter-parcel linkages.

- (B) **Buffering and Screening.** Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas and service areas for loading and unloading and for storage and collection of materials, supplies, and/or refuse and garbage, shall be screened so that such areas are not visible from any public right-of-way and/or residential use. Areas for the collection and storage of refuse and outdoor storage areas shall be fully enclosed by a structure composed of opaque materials. Such materials shall be compatible with those used in the exterior construction of the principal building.
- (C) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .10 times the buildable area of the lot.
- (D) **Off-Street Parking and Loading Facilities.** All off-street parking spaces shall be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve. No off-street parking or loading facilities shall be located in required landscaped yards. Off-street parking areas shall, to the maximum extent feasible, be located to the rear of the buildings.
- (E) **Accessory Uses.** The following accessory uses shall be permitted in the district:
  - (1) Warehousing, indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals.
  - (2) Retail sales and personal service uses for permitted and/or special exception uses, not to exceed twenty-five percent (25%) of the floor space of the principal use of the building.

- (3) Outdoor storage for permitted and/or special exception uses, not to exceed twenty-five percent (25%) of the gross lot area. No storage of any kind shall be permitted within any required yard.
- (4) Restaurant and restaurant carry-out.
- (F) **Access Limitation for Certain Uses.** For the uses listed in Section 3-903 as being pursuant to this section and all uses listed in Section 3-904, such uses shall be permitted to have direct access to Route 50 (i) only if the property owner can demonstrate that the subject property does not have legal access to any public road other than Route 50 and does have legal access to the location of a planned Route 50 Parallel Road, as shown on the Countywide Transportation Plan (CTP), as amended, and (ii) provided that such access, if permitted, shall be limited to right-turn-in and right-turn-out entrances to and from Route 50 only as approved by VDOT. Prior to approval of a site plan for these uses, property owners must execute and record an instrument, in form as reviewed and approved by the County, which obligates such owner and successors to relinquish all such direct access rights and close off all direct access to Route 50, at no cost to the County or VDOT, or permit the County or VDOT to close off all direct access without compensation, when alternative access to the site becomes available via public or private street adjacent to the owner's parcel or via other means, such as an available private access easement that provides access to any such public or private street.
- (G) **Vehicular Access and Circulation.** Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.
- (H) **Pedestrian Access and Circulation.** Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic and to enable safe and convenient pedestrian access to all buildings, parking and other facilities. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments. Land development applications shall delineate the on-site pedestrian system and provide connections to such systems in adjacent developments as well as public networks, if applicable.
- (I) **Utility Requirements.** All new utility distribution lines in the CLI district shall be placed underground.

(J) Prohibited Uses. The following manufacturing uses shall not be permitted:

~~(1) — Alcoholic beverage manufacturing.~~

~~(2) — Ammonia, bleaching powder or chlorine manufacture.~~

~~(3) — Blast furnace.~~

~~(4) — Boiler works.~~

~~(5) — Chemicals and acid manufacture or storage.~~

~~(6)~~(1) Distillation of coal, wood or bones.

~~(7) — Distillation of turpentine or varnish.~~

~~(8) — Dye works.~~

~~(9) — Emery cloth manufacture.~~

~~(10)~~(2) Fertilizer manufacture.

~~(11)~~(3) Fireworks.

~~(12) — Fish canning, curing, grinding or smoking.~~

~~(13)~~(4) Garbage incineration other than in municipal plants.

~~(14) — Glue, size or gelatin manufacture.~~

~~(15) — Grinding, cooking, boiling, rendering or storing of slaughter house refuse, animal refuse, rancid fats or refuse of dead animals.~~

~~(16) — Iron, steel or copper works, foundries or smelting facilities.~~

~~(17) — Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.~~

~~(18)~~(5) Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.

~~(19)~~(6) Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.

~~(20) — Pyroxylin or celluloid manufacture.~~

~~(21) — Pulverizing of charcoal or coal.~~

~~(22) Soap manufacture.~~

~~(23) Stockyards.~~

~~(24) Tanning, curing or storing of raw hides or skins.~~

~~(25) Tetra-ethyl lead precipitate liquid manufacture.~~

~~(26) Vinegar manufacture.~~

~~(27) Wool pulling and scouring.~~

~~(28)~~(7) Material recovery facility.

~~(29)~~(8) Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.

(K) **Uniform Landscaping for Front Yard Areas Adjacent to a Primary Highway Route 50.**

(1) All parcels with frontage on Route 50 a primary highway (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended) shall include landscaping in accordance with the Type 5 Buffer Yard in Section 5-1414(B)(1).

(L) **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, shall be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.

(M) **Building Orientation.** The front façade and principal public entrance of all buildings shall be oriented toward an adjacent public street.

~~(N)~~ **Screening of Mechanical Equipment.** Mechanical equipment, whether ground level or rooftop, shall be in accordance with Buffer Yard Type 3, screened from view from adjacent properties and public rights-of-way and designed to be perceived as an integral part of the principal building. For the purposes of this section, mechanical equipment shall include, but not be limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet shall be equal to the top of the

highest mechanical unit but shall not exceed the maximum height allowed in the district by more than 3 feet.

(O) **Auxiliary Uses.** The uses listed below shall be permitted on a stand-alone basis, if they are auxiliary to the district and are developed as part of a unified plan for development, in accordance with Section 3-906(D)(1)(b), that contains at least one of the following uses: (i) Establishment for assembly, fabrication, processing, production and/or manufacturing of goods or products; (ii) Flex-industrial uses; (iii) Office, administrative, business and professional; (iv) Research, experimental, testing or development activities; (v) Educational institution; (vi) Hotel/motel; (vii) Museum or Exhibition Facility:

(1) Restaurant, including fast food with drive-through.

(2) Convenience food store.

(3) Bank or financial institution pursuant to Section 5-659.

(4) Personal service establishments.

(5) Banquet/Event Facility, 25,000 sq. ft. or less

(P) **Stormwater Management.** Unless stormwater management is to be provided by an existing approved off-site storm water management facility, stormwater management and Best Management Practices shall be used on-site, in accordance with the Virginia Stormwater Management Handbook and the Loudoun County Facilities Standards Manual.

(Q) **Erosion and Sediment Control.** The following erosion and sediment control practices shall be required during construction where an outfall drains to a sensitive environmental feature (streams, wetlands, and very steep slopes). In such instances these requirements shall be applied adjacent to the sensitive environmental feature if on-site, or if off-site, along the property line(s) proximate to the sensitive environmental feature:

(a) Super silt fence shall be substituted for silt fence;

(b) Sediment traps and basins shall provide double the minimum required volume (268 cubic yards per acre) except that this volume may be reduced to avoid impacts to sensitive environmental features;

(c) Stabilization matting shall be required in all vegetated, constructed channels and on slopes greater than 3:1.

(R) **Archaeological.** A Phase I Archaeological survey shall be provided to the County in conjunction with each site plan application for permitted and special exception uses.

DRAFT

**5-650**

**Antique Shop; Art Gallery or Studio; Craft Shop.** Any antique shop, art gallery or studio, or craft shop in the AR, TR-10 and PD-CV districts shall comply with the following standards. Such uses in the CLI district shall comply with (B)(1) and (2).

- (A) **Intensity/Character Standards.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- (B) **Size of Use.**
  - (1) **Site Size.** The minimum lot area shall be 1 acre.
  - (2) **Structures.**
    - (a) The total size of all structures used for art galleries or studios and craft shops shall not exceed 3,000 square feet in gross floor area.
    - (b) The total size of all structures used for antique shops shall not exceed 10,000 square feet in gross floor area.
  - (3) A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as for an Antique Shop; Art Gallery or Studio; or Craft shop and shall be exempt from the minimum lot area, yard and floor area ratio requirements specified above, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to January 7, 2003 unless a greater expansion is approved by minor special exception pursuant to section 6-1300.
- (C) **Location on Site/Dimensional Standards.** The antique shop, art gallery or studio, or craft shop shall be set back a minimum of 100 feet from all lot lines.
- (D) **Landscaping/Buffering/Screening.**
  - (1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).
  - (2) **Parking Areas.** Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (E) **Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
  - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (F) **Roads/Access Standards.**
  - (1) **General Access Standards.** The use shall comply with the road access standards in Section 5-654.
  - (2) **Number of Access Points.** The use shall have no more than one point of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (H) **Noise.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).



## **Stakeholders:**

*Loudoun County Chamber of Commerce:* Coleen Gillis Snow  
*Dulles Area Association of Realtors:* Linda Erbs  
*Dulles South Alliance:* Packie Crown  
*Economic Development Commission:* Ed Zigo and Joe Paciulli (alternate)  
*Entitlement Process Volunteer Work Group:* Pat Quante  
*Loudoun County Design Cabinet:* Alan Hansen and Milt Herd (alternate)  
*NAIOP Northern Virginia:* Mark Hassinger and Lou Canonico (alternate)  
*Northern Virginia Building Industry Association (NVBIA):* Dave Culbert  
*Rural Economic Development Council (REDC):* Donna Rogers and Jean Brown (alternate)  
*Planning Commission:* Kevin Ruedisueli

## **Zoning Ordinance Action Group Members:**

Jean Brown, *Rural Economic Development Council (REDC)*  
Louis Canonico (Alternate), *NAIOP*  
Packie Crown, *Dulles South Alliance (DSA)*  
David Culbert, *Northern Virginia Building Industry Association (NVBIA)*  
Colleen Gillis-Snow, *Chamber of Commerce (LCCC)*  
Edward Gorski, *Piedmont Environmental Council (PEC)*  
Mark Hassinger, *NAIOP*  
Milt Herd, *Loudoun County Design Cabinet (LCDC)*  
Georjan Overman, *Loudoun County Bed & Breakfast Guild*  
Patrick Quante, *Entitlement Process Volunteer Work Group (EPVWG)*  
Linda Erbs, *Dulles Area Association of REALTORS (DAAR)*  
Joseph Paciulli (Alternate), *Economic Development Commission (EDC)*  
Eric Zicht:  
J. Kevin Ruedisueli

**SUMMARY OF PACKAGE 2 CLI AMENDMENTS**  
**(from the 12/14/13 TLUC and 1/6/13 BOS meeting)**

1. Add new permitted use (3-903):
  - a. SFA and MF to “SFD, accessory to permitted or SPEX uses”
  - b. Fast food restaurant
2. Reclassify from SPEX to permitted (3-903):
  - a. Kennel, indoor, pursuant to Section 5-606
  - b. Motor vehicle service and repair, light
  - c. Museum
  - d. Restaurant
  - e. Retail sales establishment
3. Reduce minimum lot size to 1 acre from 2 acres (3-905(A)).
4. Increase lot coverage from 45% to 60% (3-906(A)).
5. Increase maximum height to 55’ from 45’ and increase maximum building height to 100’ (from 55’) with additional 1 for 1 setback (3-906(B)).
6. Allow increased base FAR when “owner’s file a unified plan for development when combined or unified total of 20 acres” (3-906(D)(1)(b)).

**SUGGESTED PACKAGE 2 CLI AMENDMENTS**  
**(from CLI Property Owner’s Meeting on 4/24/13)**

1. Reclassify from SPEX to permitted (3-903):
  - a. motor vehicle sales
  - b. convenience food store
  - c. convention facility
  - d. automobile service station
2. Revise the definition of motor vehicle service and repair, light, to include a gas station and car wash (Article 8).
3. Revise the definition of convenience food store to include gas pumps and car wash (Article 8).
4. Increase base Floor Area Ratio (FAR) to .4 or .45 (3-906(C)).
5. Reduce setbacks for smaller property owners (3-905(D)).
6. Create performance standards for special exception uses reclassified as permitted uses (5-600).

Loudoun County, Virginia

---

Zoning Ordinance Action Group

1 Harrison Street, S.E., 3<sup>rd</sup> Floor, P.O. Box 7000

Leesburg, Virginia 20177-7000

Telephone (571) 258-3197 • Fax (703) 777-5215 • E-mail: ZOAG@loudoun.gov

October 9, 2013

Robert Klancher, Chairman  
Loudoun County Planning Commission  
1 Harrison Street, S.E.  
Leesburg Virginia 20177-7000

**RE: ZOAM 2013-0007, PACKAGE 2 COMMERCIAL LIGHT INDUSTRY (CLI) ZONING  
ORDINANCE AMENDMENTS**

Dear Chairman Klancher,

On behalf of the County's Zoning Ordinance Action Group (ZOAG), I am pleased to offer a summary of our recommendations regarding the text amendments for Commercial Light Industrial (CLI) zoning district. By and large the final ZOAG recommendations in terms of the proposed changes to Section 3-900, of the Revised 1993 Zoning Ordinance, are in concert with the recommendations of the staff. However, the ZOAG believe that the following three changes are appropriate to the CLI zoning regulations, which the staff does not support: 1) Convenience food store without gas pumps as a permitted use; 2) Continuing Care Facility as a special exception use, and 3) reducing the minimum lot size.

**1) CONVENIENCE FOOD STORE WITHOUT GAS PUMPS.**

The ZOAG recommends adding "Convenience food store without gas pumps" to Section 3-903, as a permitted use, in the CLI zoning district. The original Stakeholder recommendation was to allow "convenience food stores with or without gas pumps", as a permitted use. While the ZOAG originally supported this recommendation, after hearing staff concerns, the ZOAG modified its recommendation to only allow convenience stores without gas pumps by right and still require a special exception if the applicant desired to have gas pumps with the store.

ZOAG's rationale in terms of this recommendation relates to the dearth of services in the corridor. Present day employers are looking to locate their businesses where services, such as those offered by convenience stores are readily available to their employees. In addition, the existing and growing residential population is underserved by this type of use, requiring County residents to make longer vehicle trips and often traveling outside the County for such convenient items. Today's employment uses want to be located in or close to mixed use type of developments. The ZOAG believes adding this use as a permitted use will allow property owners to consider more of a mixed use type of development in the CLI district without having to go through the lengthy, costly and uncertainty of a legislative application.

**2) CONTINUING CARE FACILITY**

The ZOAG recommends adding "Continuing Care Facility" to Section 3-904, as a special exception use in the CLI zoning district. A Continuing Care Facility is defined as including one or

more of the following uses, Congregate living, Adult Assisted Living and/or Nursing Home. Generally speaking, these types of uses want to be located close to hospitals and other health care facilities. These types of healthcare facilities will be occurring in the Route 50 corridor. In addition, it is of benefit to have these types of uses available close to a residential land base such that citizens can locate family members who need these types of facilities close to them. The Continuing Care Retirement Communities Policies of the Revised General Plan recommend Continuing Care Facilities be located in “areas planned for Business and Residential uses in the Suburban Policy Area ...” subject to certain criteria. It is quite clear that there is substantial pressure on residentially zoned land in the Route 50 corridor to be developed as standard residential type units. Based on the land values for residentially zoned land, it does not seem likely that the “Continuing Care Facility” would be located on such residentially zoned land. Therefore, it would be advantageous both to the residents of the Dulles South Area and the CLI property owners to have this as a possible use.

By their very nature, the Continuing Care Facility uses generate lower vehicle trips than other commercial/light industrial/office uses permitted in the district, so traffic should not be an issue. Since the use would be by special exception, an applicant will need to submit a traffic study regardless. These types of facilities are more like “institutional” uses than residential uses. As evidenced by other Continuing Care Facilities located in the County, the Capital Facilities impacts of this type of use will be very limited. Notwithstanding, since the use is being proposed as a Special Exception use, the County will have ample opportunity to evaluate all the factors relating to the proposed use and can make a decision based on the specifics of the situation.

### 3) MINIMUM LOT SIZE

The ZOAG recommends reducing the minimum lot size in Section 3-905(A) from two (2) acres to one (1) acre. Almost all other employment districts such as PD-OP and PD-IP have a minimum lot size of 1 acre. There does not seem to be any rational for requiring a minimum lot size of 2 acres in the CLI district. One justification for the larger lot size may be to limit direct access onto Route 50, however there are other straight forward provisions in the CLI requirements that deal with that issue. One of the desires of the general plan and the CLI zoning requirements is to promote parcel consolidation and unified development. ZOAG believes the 2 acre lot minimum actually acts as a disincentive since it requires lots created by such consolidation to be twice as big as in other employment districts. This recommendation was put forth by the original stakeholders group and has been supported by many of the CLI land owners at various public meetings.

The ZOAG appreciates the opportunity to work with the staff on these issues and to provide comment and recommendations to the Planning Commission. We would be pleased to attend any upcoming Commission work sessions or committee meetings to provide further input if you would like.

Sincerely,

Milton Herd, AICP  
Chairman, ZOAG

ZONING ORDINANCE SECTION		ZONING ORDINANCE TEXT PROPOSED	STAKEHOLDER /OWNER RCOMMENDATIONS	STAFF COMMENTS/ RECOMMENDATIONS	ZOAG RECOMMENDATIONS	PC RECOMMENDATIONS
<b>CLI, Commercial Light Industry §3-900</b>						
1.	§3-903	<b>Permitted Uses.</b> Business service establishment, pursuant to Section 3-907(F) <u>and Section 6-661.</u>	N/A	Add reference to applicable performance standards	Support staff recommendation	
2.	§3-903	<b>Permitted Uses.</b> Dwelling, single family, accessory to permitted or special exception uses.	Stakeholders: Add SFA and MF to allowable dwelling units	Do not support adding additional dwelling units to commercial district; use meant to provide caretaker unit; Comp Plan issue.	Support existing regulation	
3.	§3-903	<b>Permitted Uses.</b> Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(HJ).	N/A	Correct reference.	Support staff recommendation	
4.	§3-903	<b>Permitted Uses.</b> Nursery, commercial, <u>pursuant to Section 5-605.</u>	N/A	Add reference to applicable performance standards	Support staff recommendation	
5.	§3-903	<b>Permitted Uses.</b> Office, administrative, <u>medical</u> , business and professional, pursuant to Section 3-907(F).	N/A	Add medical office as a SPEX use due to intense traffic generation over and above administrative office use	Supports adding as a permitted use. Did not review as SPEX use	
6.	§3-903	<b>Permitted Uses.</b> <u>Data center, pursuant to Section 5-664.</u>	Stakeholders: Add data centers as a permitted use.	Being considered with active ZOAM 2013-0003.	Supports stakeholder	
7.	§3-903	<b>Permitted Uses.</b> <u>Kenel, indoor, pursuant to Section 5-606 and 3-907(F).</u>	Stakeholders: Reclassify kennel, indoor from SPEX to permitted use.	Support reclassification to permitted use	Supports staff recommendation	
8.	§3-903	<b>Permitted Uses.</b> <u>Convention or exhibition facility, 25,000 sq. ft. or less and no direct access to Route 50.</u>	Owners: Reclassify convention facility from SPEX to permitted use.	Support reclassification to permitted use and adding full Article 8 terminology with restriction on size and access to Rt 50 due to traffic implications and access issues	Supports staff recommendation	
9.	§3-903	<b>Permitted Uses.</b> <u>Auxiliary uses, pursuant to Section 3-907(O).</u>	Stakeholders/Owners: Reclassify restaurant & convenience food store from SPEX to permitted use and add fast food as permitted use.	Add permitted auxiliary uses (restaurant, fast food, convenience store, bank, personal service, banquet facility) when developed as unified plan in conjunction with certain permitted uses	Supports staff recommendation	
10.	§3-903	<b>Permitted Uses.</b> <u>Accessory uses, pursuant to Section 3-907(E).</u>	Stakeholder: Reclassify retail sales from SPEX to permitted	Retail permitted as accessory use per 3-907 (warehousing, retail sales and personal service, outdoor storage, restaurant); added accessory uses as permitted use for clarity	Supports recommended change.	
11.	§3-903	<b>Permitted Uses.</b> <u>Museum or Exhibition Facility, with no direct access to Route 50.</u>	Stakeholders: Reclassify museum from SPEX or to permitted	Support reclassification to permitted use with full Article 8 terminology and no direct access to Rt 50 due to limited access and traffic issues	Supports reclassification without access limitation	
12.	§3-903	<b>Permitted Uses.</b> <u>Antique Shop; Art Gallery, pursuant to Section 5-650 (B)(1) and (2), and 3-907(F), with no outdoor storage.</u>	ZOAG subcommittee: add antique shop as a permitted use and reclassify art gallery from SPEX to permitted	Add antique shop as a permitted use and reclassify art gallery from SPEX to a permitted use, pursuant to performance standards and no outdoor storage	Supports staff recommendation	

ZONING ORDINANCE SECTION		ZONING ORDINANCE TEXT PROPOSED	STAKEHOLDER /OWNER RCOMMENDATIONS	STAFF COMMENTS/ RECOMMENDATIONS	ZOAG RECOMMENDATIONS	PC RECOMMENDATIONS
13.	§3-903	<b>Permitted Uses.</b> <u>Banquet/Event Facility, 25,000 sq. ft. or less and no direct access to Route 50.</u>	ZOAG subcommittee: add banquet facility as permitted use	Add use as permitted use with size limitation and no access to Rt 50 due to limited access issues, traffic impacts, and Plan issues	Supports staff recommendation	
14.	§3-904	<b>Special Exception Uses.</b> Automotive Service Station.	Owners: Reclassify from SPEX to permitted use	Do not support reclassification to permitted use due to classification as SPEX in all other districts, and due to traffic, Rt 50 access, and Comp Plan issues.	Supports staff recommendation	
15.	§3-904	<b>Special Exception Uses.</b> Convenience food store with or without gas pumps.	Owners/ ZOAG: Reclassify from SPEX to permitted use.	Do not support reclassification due to inconsistency with purpose of district, access to Rt. 50, traffic and Plan issues.	Support reclassification of convenience food store WITHOUT gas pumps to permitted use.	
16.	§3-904	<b>Special Exception Uses.</b> Convention <u>or Exhibition</u> Facility, <u>in excess of 25,000 sq. ft. and no direct access to Route 50.</u>	Owners: Reclassify convention facility from SPEX to permitted use.	Support as SPEX when exceed permitted size and no access to Rt 50 because of traffic implications, access and Plan issues	Supports SPEX in excess of 25,000 sf but with no restrictions on access	
17.	§3-904	<b>Special Exception Uses.</b> Contractor Service Establishment, <u>pursuant to Section 5-662.</u>	N/A	Add reference to applicable performance standards	Supports staff recommendation	
18.	§3-904	<b>Special Exception Uses.</b> Motor Vehicle Sales.	Owners: Reclassify from SPEX to permitted use.	Do not support reclassification due to access, traffic, and Comp. Plan issues.	Supports staff recommendation	
19.	§3-904	<b>Special Exception Uses.</b> Motor vehicle services and repair, light.	Stakeholders: Reclassify from SPEX to permitted use	Do not support reclassification of use due to inconsistency with purpose of district, access to Rt. 50, traffic and Comp. Plan issues. Use similar to Auto Service Station, which remains SPEX.	Supports staff recommendation	
20.	§3-904	<b>Special Exception Uses.</b> Restaurant, <u>including fast-food, with or without drive-through, not otherwise permitted per 3-907(E) or 3-907(O).</u>	Stakeholders: Add fast food as permitted use and reclassify restaurant from SPEX to a permitted use.	Add fast food with or without drive-through to restaurant as a SPEX use and support restaurant/fast food as permitted auxiliary use.	Supports staff recommendation	
21.	§3-904	<b>Special Exception Uses.</b> Retail Sales Establishment.	Stakeholders: Reclassify from SPEX to permitted use.	Do not support reclassification as use currently permitted as accessory use as well as Plan and traffic/access issues	Supports current regulation.	
22.	§3-904	<b>Special Exception Uses.</b> <u>Library.</u>	N/A	Supports adding library as a SPEX use	Supports staff recommendation	
23.	§3-904	<b>Special Exception Uses.</b> <u>Banquet/Event Facility, in excess of 25,000 sq. ft. and no direct access to Route 50.</u>	ZOAG subcommittee: add banquet facility as permitted use	Add use as SPEX over 25,000 sf and no direct access to Rt 50 because of access, traffic, and Plan issues	Supports staff recommendation but allowing access to Rt 50	
24.	§3-904	<b>Special Exception Uses.</b> Continuing Care Facility	ZOAG subcommittee: Add as SPEX use.	Do not support use in the district due to residential nature, support services necessary, traffic/access and Plan issues	Supports new use as SPEX	
25.	3-904	<b>Special Exception Use.</b> <u>Medical Office</u>	N/A	Support adding as SPEX use due to traffic issues	Supports as permitted use	
26.	§3-905(A)	<b>Lot Requirements. Size</b> Two (2) acres minimum.	Stakeholders: Reduce minimum lot size from 2 acres to 1 acre.	Do not support change due to non-conformity issues and worsens traffic and access issues	Supports reduction in minimum lot to 1 acres	
27.	§3-905 (D)(2)(a)	<b>Lot Requirements. Yards. Adjacent to Parcel Boundaries.</b> <b>With Other Nonresidential Districts:</b> <u>Fifteen (15)</u> 25 feet minimum, <u>for</u> buildings; 10 feet minimum <u>for</u> , parking lot, <u>outdoor storage, and</u> loading <del>unloading</del> areas, and areas for the collection or storage of refuse, <u>except where a greater yard is required by Section 5-1400. In the event that a</u>	N/A	Support reduction in minimum setback standards from 25' to 15' and addressed additional setbacks of 5-1400 and properties with two or more zoning districts, similar to other zoning districts	Supports staff recommendation	

ZONING ORDINANCE SECTION		ZONING ORDINANCE TEXT PROPOSED	STAKEHOLDER /OWNER RCOMMENDATIONS	STAFF COMMENTS/ RECOMMENDATIONS	ZOAG RECOMMENDATIONS	PC RECOMMENDATIONS
		<u>single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line.</u> The Zoning Administrator may waive the parking lot yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.		(continuation)		
28.	§3-905 (D)(2)(b)	<b>Lot Requirements. Yards. With Residential Districts.</b> <u>Twenty-five (25)</u> feet minimum. No building, parking lots, loading/unloading areas, outdoor storage, or areas for the collection or storage of refuse shall be permitted in any required yard adjacent to a residential zoning district	N/A	Make numeric references consistent	Supports staff recommendation.	
29.	§3-906(A)	<b>Building Requirements. Lot Coverage.</b> 45 percent maximum; <u>up to .60 maximum by Special Exception.</u>	Stakeholder: Increase lot coverage to 60%	Increase lot coverage to 0.60 by SPEX similar to other districts.	Supports staff recommendation	
30.	§3-906(B)	<b>Building Requirements. Building Height.</b> <u>45 Sixty (60)</u> feet maximum <u>provided that a building may be erected to a maximum height of one hundred (100) if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than</u> The maximum building height may be increased provided that one (1) foot is added to each of the required yard setbacks for each additional one (1) foot of building height <u>that it exceeds the sixty (60) foot limit.</u> up to a maximum of (55) feet total height. Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.	Stakeholders: Increase maximum height to 55' and increase maximum building height to 100' with additional 1 to 1 setback.	Increase building height to 60' and maximum height to 100' with additional 1 to 1 setback	Supports staff recommendation	
31.	§3-906(C)	<b>Building Requirements. Base Floor Area Ratio (FAR).</b> 0.30 <u>0.40</u> maximum	Stakeholders/Owners: increase base FAR to 0.45.	Increase the base FAR to 0.40.	Supports staff recommendation	
32.	§3-906(D)	<b>Building Requirements. Adjusted Base Floor Area Ratio (FAR).</b>	N/A	Define abbreviation	Supports staff recommendation	
33.	§3-906 (D)(1)(a)	<b>Building Requirements. Adjusted FAR.</b> A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties <u>where any portion of such properties is located</u> within 600 feet <u>of the right-of-way of Route 50</u> of the right of way of a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended) if:	N/A	Create language similar to other districts and specifically reference Route 50	Supports staff recommendation	
34.	§3-906 (D)(1)(a)(ii)	<b>Building Requirements. Adjusted FAR.</b> The owner(s) of such properties permanently relinquish direct access to <u>Route 50</u> <del>such road</del> ; and	N/A	Clarify reference to Rt 50	Supports staff recommendation	
35.	§3-906 (D)(1)(b)	<b>Building Requirements. Adjusted FAR.</b> A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties <u>where any</u> or portion of <u>such</u> properties <u>are</u> located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended) <u>Route 50</u> if the owner(s) of such properties <u>file a unified plan for development</u> <del>consolidates such properties for development purposes with a contiguous parcels</del> of land which, when combined, total at least 20 acres. <u>For the purposes of this Section, a unified plan for development shall mean: (1)</u>	Stakeholders: Allow CLI property owners to submit joint applications without actually consolidating the lots into joint ownership.	Created unified plan for development that involves multiple parcel development approved with a single site plan that has one access point to Rt 50 and the properties governed by a commercial owners association	Supports staff recommendations	



ZONING ORDINANCE SECTION		ZONING ORDINANCE TEXT PROPOSED	STAKEHOLDER /OWNER RCOMMENDATIONS	STAFF COMMENTS/ RECOMMENDATIONS	ZOAG RECOMMENDATIONS	PC RECOMMENDATIONS
		<u>development involving multiple parcels that is approved with a single site plan application and (2) all parcels subject to the unified plan for development shall share no more than one point of access onto Route 50. Single entity ownership is not required, but a single commercial owners association shall be formed as evidenced by a Deed of Declaration and Covenants that sets forth maintenance, design standards, etc.</u>		(continuation)		
36.	§3-906 (D)(1)(c)	<b>Building Requirements. Adjusted FAR.</b> A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties <u>where any</u> <del>or</del> portions of <u>such</u> properties <u>are</u> located within 600 feet of the right-of-way of <u>Route 50</u> <del>a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)</del> if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 ft. <del>along the road</del> <u>from the right-of-way of Route 50.</u>	N/A	Clarify reference to Rt 50 and make language similar to other districts	Supports staff recommendation	
37.	§3-906 (D)(2)	<b>Building Requirements. Adjusted FAR.</b> The density increase can be granted singly or cumulatively, <u>up to a maximum of .60 FAR.</u>	N/A	Clarify language	Supports staff recommendation	
38.	§3-907(J)	<b>Performance Criteria.</b> <b>Prohibited Uses.</b> The following <u>manufacturing</u> uses shall not be permitted:	N/A	Clarify text	Supports staff recommendation	
39.	§3-907(J)(1) – (29)	<b>Performance Criteria. Prohibited Uses.</b> <del>Alcoholic beverage manufacturing.</del> <del>Ammonia, bleaching powder or chlorine manufacture.</del> <del>Blast furnace.</del> <del>Boiler works.</del> <del>Chemicals and acid manufacture or storage.</del> <del>Distillation of coal, wood or bones.</del> <del>Distillation of turpentine or varnish.</del> <del>Dye works.</del> <del>Emery cloth manufacture.</del> <del>Fertilizer manufacture.</del> <del>Fireworks.</del> <del>Fish canning, curing, grinding or smoking.</del> <del>Garbage incineration other than in municipal plants.</del> <del>Glue, size or gelatin manufacture.</del> <del>Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, animal refuse, rancid fats or refuse of dead animals.</del> <del>Iron, steel or copper works, foundries or smelting facilities.</del> <del>Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.</del> <del>Mixing or batching plants for asphalt, concrete, brick or other paving and construction material.</del> <del>Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.</del> <del>Pyroxylin or celluloid manufacture.</del> <del>Pulverizing of charcoal or coal.</del> <del>Soap manufacture.</del> <del>Stockyards.</del> <del>Tanning, curing or storing of raw hides or skins.</del>	ZOAG: review uses and delete those that are obsolete	Support the elimination of obsolete prohibited use	Supports staff recommendation	



ZONING ORDINANCE SECTION		ZONING ORDINANCE TEXT PROPOSED	STAKEHOLDER /OWNER RCOMMENDATIONS	STAFF COMMENTS/ RECOMMENDATIONS	ZOAG RECOMMENDATIONS	PC RECOMMENDATIONS
		<del>Tetra-ethyl lead precipitate liquid manufacture.</del> <del>Vinegar manufacture.</del> <del>Wool pulling and scouring.</del>		(continuation)		
40.	§3-907(K)	<b>Performance Criteria. Uniform Landscaping for Front Yard Areas Adjacent to a Primary Highway Route 50.</b>	N/A	Clarify reference to Route 50.	Supports staff recommendation	
41.	§3-907 (K)(1)	<b>Performance Criteria. Uniform Landscaping...</b> All parcels with frontage on <u>Route 50</u> a primary highway <del>(as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)</del> shall include landscaping in accordance with the Type 5 Buffer Yard in Section 5-1414(B)(1).	N/A	Clarify reference to Route 50	Supports staff recommendation	
42.	§3-907 (Q)	<b>Performance Criteria.</b> <b>Auxiliary Uses.</b> <u>The uses listed below shall be permitted on a stand-alone basis, if they are auxiliary to the district and are developed as part of a unified plan for development, in accordance with Section 3-906(D)(1)(b), that contains at least one of the following uses: (i) Establishment for assembly, fabrication, processing, production and/or manufacturing of goods or products; (ii) Flex-industrial uses; (iii) Office, administrative, business and professional; (iv) Research, experimental, testing or development activities; (v) Educational institution; (vi) Hotel/motel; (vii) Musuem:</u> <u>(1) Restaurant, including fast food with drive-through.</u> <u>(2) Convenience food store.</u> <u>(3) Bank or financial institution pursuant to Section 5-659.</u> <u>(4) Personal service establishments.</u> <u>(5) Banquet/Event Facility, 25,000 sq. ft. or less</u>	N/A	Added permitted auxiliary uses to allow for Stakeholder and Owner recommendation to permit restaurants, fast food, and convenience stores.	Supports staff recommendation	
43.	§3-907 (P)	<b>Stormwater Management.</b> <u>Unless stormwater management is to be provided by an existing approved off-site storm water management facility, stormwater management and Best Management Practices shall be used on-site, in accordance with the Virginia Stormwater Management Handbook and the Loudoun County Facilities Standards Manual.</u>	N/A	In response to 2 <sup>nd</sup> referral comments from ERT, added requirement for SWM/SBP	Not reviewed by ZOAG as 2 <sup>nd</sup> referral not received prior to Sept ZOAG meeting	
44.	§3-907 (Q)	<b>Erosion and Sediment Control.</b> <u>The following erosion and sediment control practices shall be required during construction where an outfall drains to a sensitive environmental feature (streams, wetlands, and very steep slopes). In such instances these requirements shall be applied adjacent to the sensitive environmental feature if on-site, or if off-site, along the property line(s) proximate to the sensitive environmental feature:</u> <u>(a) Super silt fence shall be substituted for silt fence;</u> <u>(b) Sediment traps and basins shall provide double the minimum required volume (268 cubic yards per acre) except that this volume may be reduced to avoid impacts to sensitive environmental features;</u> <u>(c) Stabilization matting shall be required in all vegetated, constructed channels and on slopes greater than 3:1.</u>	N/A	In response to 2 <sup>nd</sup> referral comments from ERT, added erosion and sediment controls where sensitive environmental features are location	Not reviewed by ZOAG as 2 <sup>nd</sup> referral not received prior to Sept ZOAG meeting	
45.	§3-907 (R)	<b>Archaeological.</b> <u>A Phase I Archaeological survey shall be provided to the County in conjunction with each site plan application for permitted and special exception uses.</u>	N/A	In response to 2 <sup>nd</sup> referral comments from ERT, added Phase I archaeological survey	Not reviewed by ZOAG as 2 <sup>nd</sup> referral not received prior to Sept ZOAG meeting	

ZONING ORDINANCE SECTION		ZONING ORDINANCE TEXT PROPOSED	STAKEHOLDER /OWNER RCOMMENDATIONS	STAFF COMMENTS/ RECOMMENDATIONS	ZOAG RECOMMENDATIONS	PC RECOMMENDATIONS
ADDITIONAL REGULATIONS FOR SPECIFIC USES §5-600						
46.	§5-650	<b>Antique Shop; Art Gallery or Studio; Craft Shop.</b> Any antique shop, art gallery or studio, or craft shop in the AR, TR-10 and PD-CV districts shall comply with the following standards. <u>Such uses in the CLI district shall comply with (B)(1) and (2).</u>	N/A	Revised to allow some performance standards to pertain to CLI district	Supports staff recommendation	

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** September 18, 2013

**TO:** Theresa Stein, Project Manager  
Zoning Administration

**FROM:** Marie Genovese, AICP  
Planner III, Community Planning

**SUBJECT: ZOAM 2013-0007, Package 2 Commercial and Industrial Zoning Ordinance Amendments**

**EXECUTIVE SUMMARY**

In 2012, the Board of Supervisors approved a Work plan to review the Revised 1993 Loudoun County Zoning Ordinance in an effort to make the process of expansion or start up of a commercial or industrial enterprise more “business-friendly”. Interested stakeholders identified over 250 issues they felt hindered business activity and/or impeded economic development. The subject of this Zoning Ordinance Amendment is the “Package 2” amendments to the Commercial Light Industrial (CLI) zoning district, which include amendments forwarded from the Board’s Transportation and Land Use Committee (TLUC) from the review of the “Package 1” amendments, as well as amendments suggested by CLI property owners at a meeting on April 24, 2013 and the Zoning Ordinance Action Group (ZOAG) on August 14, 2013. Staff also proposes amendments in order to simplify the existing language, correct typographical errors, and to further encourage development along the Route 50 Corridor.

The Revised General Plan (Plan) contains goals and policies that promote and strengthen the Route 50 Corridor as a southern gateway into Loudoun County. The CLI zoning district is not consistent with the designated land uses along the Route 50 Corridor. The CLI zoning district allows for a wide variety of commercial uses, which generate high traffic volumes, which do not promote the coordinated and efficient land use or traffic pattern envisioned by the County for the Route 50 Corridor. Amendments to the CLI zoning district that continue to add to the inconsistencies between the Plan and the Zoning Ordinance are not supported. While the area remains largely undeveloped there are several approved but unbuilt projects in the Route 50 Corridor that will help to generate the employment uses intended for the County’s southern gateway. While the proposed amendments seek to reduce impacts by including standards limiting the size as well as access points onto Route 50, the overarching

issue pertaining to the inconsistencies between the CLI zoning district and the planned land use designation remain. Instead of continuing to amend the CLI zoning district the Planning Commission may wish to recommend the Board of Supervisors remap the currently zoned CLI properties along the Route 50 Corridor (see Map below) to zoning districts which correspond with the designated planned land use, such as Planned Development-Industrial Park (PD-IP) or Planned Development-Office Park (PD-OP).

## **BACKGROUND**

On February 14, 2012, the Board approved a Work plan to review the Revised 1993 Loudoun County Zoning Ordinance (“Zoning Ordinance”) for the purpose of developing a Zoning Ordinance amendment to advance commercial and industrial development throughout the County. A Stakeholders Group, representing various business groups throughout the County, was assembled to identify, review and prioritize a list of issues and concerns in regard to current County regulations and processes that hamper business development in the County. The Stakeholders Group identified 14 priority issue topics that they deemed most important. These 14 priority issues were presented to the Board on June 19, 2012.

On July 17, 2012, the Board grouped the 14 priority issue topics into three (3) separate packages of Zoning Ordinance amendments, based on economic development impact and the amount of research necessary to fully address each issue topic. The Board determined that each package of Ordinance amendments would proceed sequentially, with the first package of amendments being brought to the Board in December 2012 for action. The Package 1 amendments included recommended changes to the Planned Development-Industrial Park (PD-IP), Planned Development-Office Park (PD-OP), Mineral Resource-Heavy Industry (MR-HI) zoning districts, as well as limited changes to the Commercial Light Industry (CLI) district and various other amendments to site plan submission requirements, buffering and tree canopy requirements, definitions, and the additional use regulations for specific uses.

Following Board action on the Package 1 amendments, Staff commenced with the Package 2 Zoning Ordinance amendments, which consist of Package 1 amendments the Transportation and Land Use Committee forwarded to Package 2; suggested changes from Stakeholders, and CLI property owners. In addition, Staff has proposes amendments in order to simplify the existing language, correct typographical errors, and to further encourage development along the Route 50 Corridor.

Staff has reviewed the proposed changes and offers the following comments.

## **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The Revised General Plan and other supporting documents and ordinances together comprise the Loudoun County Comprehensive Plan (*Revised General Plan, Preface, text*). The policies and methods of implementation of the Revised General Plan are intended to ensure the long-term fiscal balance of the County, to protect its environment and natural resources, to create high-quality communities, and to provide adequate

levels of public services and facilities (Revised General Plan, Preface, Principles 1, 2, 4, 5, 6, & 8). The Revised General Plan is the foundation for amendments to County ordinances to ensure that the County's goals are implemented through the regulatory process. It is intended that these ordinances and the Facilities Standards Manual will be updated so that they are consistent with the policies of the Revised General Plan (Revised General Plan, Chapter 1, Purpose and Definition, text). Essentially, the County's Comprehensive Plan is the legal framework for which ordinances and regulations are adopted and implemented for the physical development of land within its boundaries, which is required by State law and supported by State case law (Revised General Plan, Chapter 1, Legal Basis for the Plan, text).

As part of the Comprehensive Plan, the Countywide Retail Policy Plan Amendment (Retail Plan) outlines the policies for Commercial Retail and Service uses. Service Area-Based Retail uses are located within or between the employment centers they serve and are not intended to attract customers from outside the area (*Retail Plan, Service Area – Based Retail Policies Text*).

## **COMMERCIAL LIGHT INDUSTRIAL (CLI)**

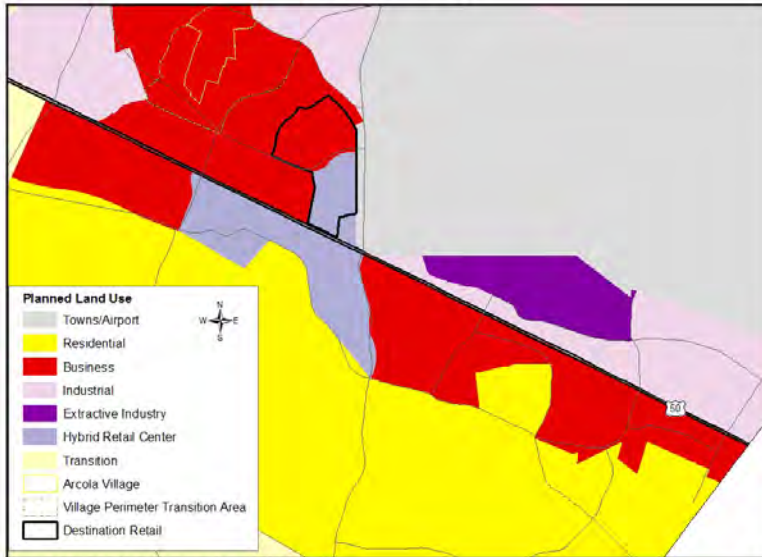
### Route 50 Corridor

The County, recognizing the importance of the Route 50 Corridor as the County's southern gateway has planned this corridor for business uses, predominantly office and light industrial development. The existing Commercial Light Industrial (CLI) zoning district along the Route 50 frontage up to Route 659 negatively affects the corridor's long-term image (Revised General Plan, Chapter 4, Business Land Use and Corridor Development, Route 50 Text). The CLI zoning district allows for a wide variety of commercial uses, which generate high traffic volumes and which do not promote the coordinated and efficient land use or traffic pattern envisioned by the County for the U.S. 50 Corridor. The Plan calls for the County to consider alternative methods for addressing the conformance issue, such as modification of the by-right and Special Exception uses provided in the district to those more appropriate to achieve the objectives of the Plan (Revised General Plan, Chapter 6, General Business Land Use Policies, Policy 7).

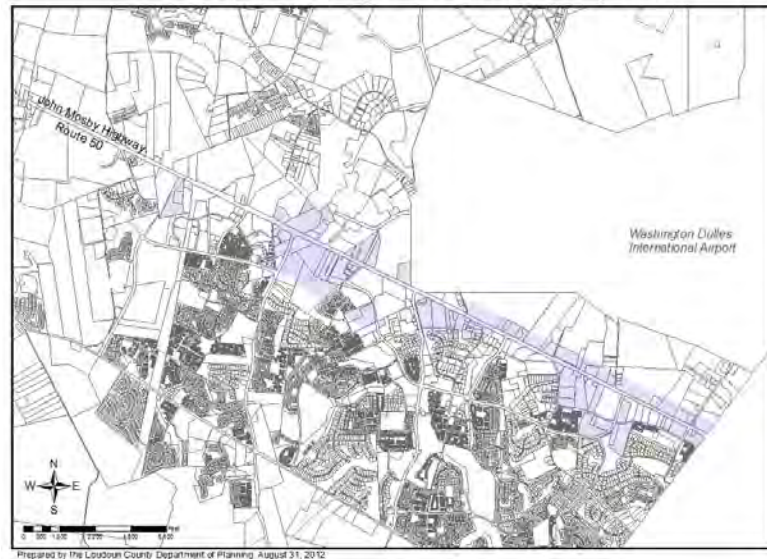
CLI zoned parcels are limited to the Route 50 Corridor in areas planned for Business, Industrial, and Hybrid Retail uses (See Maps below). As stated above, the variety of commercial uses within the CLI zoning district is not in keeping with the vision for the Route 50 Corridor, in which employment uses should be the predominant component. While commercial retail and service uses are permitted, they are limited to a maximum of 10 percent of the total land area (Revised General Plan, Chapter 6, Regional Office Use Policies, Policy 2; Light Industrial Use Policies, Policy 5; & General Industrial Use Policies, Policy 8). When certain criteria are met, developments are permitted to exceed the 10 percent land area; however, commercial retail and service uses should still be accessory to the primary business or industrial function (Revised General Plan, Chapter 6, Arcola Area/Route 50 Corridor Plan, Business Community General Policies, Policy 2 & General Industrial Policies, Policy 2). A hybrid retail center is envisioned

north and south of the Route 50 Corridor with other uses consisting of office, light industrial, and civic (*Revised General Plan, Chapter 6, Hybrid Retail Center Policies, Policy 1*).

**Planned Land Use**



**CLI-Commercial Light Industrial Zoned Properties**



In order to address the inconsistencies between the planned land use designation and the variety of commercial uses permitted in the CLI zoning district, the Planning Commission may wish to recommend the Board of Supervisors consider remapping the Route 50 Corridor to zoning districts corresponding with the planned land use designation.

### Proposed Amendments

The proposed amendments to Section 3-900 (Commercial Light Industry) seek to move uses from Special Exception to permitted uses, add new permitted uses, modify existing Special Exception uses, add new Special Exception uses, modify yard requirements, modify building requirements, and modify performance criteria. The proposed amendments also propose adding the CLI district to the 5-600 Standards for Antique Shop; Art Gallery or Studio; Craft Shop. Anytime a Special Exception use is moved to the list of permitted uses it eliminates the legislative process in which landowners, members of the public, the Planning Commission, and the Board of Supervisors can consider the individual circumstances of the proposed use and mitigate potential negative impacts. Performance standards are often used to mitigate impacts to the local road network, connectivity, size, scope, etc. Often times the mitigation of impacts are more case specific and cannot be addressed through performance standards.

### Permitted Uses

The following uses are proposed to be added to the list of permitted uses:

- Data center (see ZOAM 2013-0003);
- Kennel, indoor
- Convention or exhibition facility, 25,000 square feet or less and no direct access to Route 50;
- Auxiliary uses (Restaurant, including fast food with drive-through; Convenience food store; Bank or financial institution; and Personal service establishments are permitted on a standalone basis when part of a unified development plan that contains at least one of the following: Establishment for assembly, fabrication, processing, production and/or manufacturing of goods and services; Flex-industrial uses; Office; Research and development; Educational institutional; or Hotel);
- Accessory uses (Warehousing, indoor storage and distribution associated with a permitted use; Retail sales and personal services uses for permitted and/or Special Exception uses, not to exceed 25% of the floor space of the principal use in the building; Outdoor storage for permitted and Special Exception uses, not to exceed 25% of the gross lot area; and Restaurant and restaurant carry-out);
- Museum or Exhibition Facility, with no direct access to Route 50;
- Antique Shop; Art Gallery (Minimum lot area of 1 acre; Maximum square footage is 3,000 square feet for Art galleries and 10,000 square feet for Antique shops; and no outdoor storage); and
- Banquet/Event Facility, 25,000 square feet or less and no direct access to Route 50.

The Route 50 policies promote economic development and tourism as a way to recognize and strengthen the area's heritage and cultural resources for the County's southern gateway. As stated above, while employment uses should be the predominant component within the Route 50 Corridor, developments are permitted to exceed the maximum 10 percent land area for commercial and retail uses when specific criteria are met function (*Revised General Plan, Chapter 6, Arcola Area/Route 50 Corridor Plan, Business Community General Policies, Policy 2 & General Industrial Policies, Policy 2*). One criterion is the use will not have direct access onto Route 50 in an effort to mitigate transportation impacts as well as facilitate Route 50 as a limited access corridor function (*Revised General Plan, Chapter 6, Arcola Area/Route 50 Corridor Plan, Business Community General Policies, Policy 2c & General Industrial Policies, Policy 2c*). While adding additional commercial uses to the wide variety of commercial uses already permitted within the CLI zoning district does not further the County's vision for the Route 50 Corridor, as currently proposed the uses are limited in scale as well as access, helping to mitigate potential conflicts with the Plan.

### **Analysis**

***Including additional commercial retail and service uses as permitted uses continues to add to the inconsistencies between the planned land use and the zoning district along the Route 50 Corridor. However, given the proposed***

***amendments seek to mitigate compatibility and transportation impacts within the Route 50 Corridor by limiting scale as well as access onto Route 50, the proposed amendments may be reasonable. Further, permitting auxiliary uses as part of a unified development plan when combined with other uses allows property owners to develop commercial retail and service uses on a standalone basis while ensuring they are supportive of the office and/or light industrial component of a Business Community and the manufacturing component of an Industrial development.***

#### Special Exception Uses

The following uses are proposed as additions or modifications to the list of Special Exception uses:

- Convention or Exhibition Facility, in excess of 25,000 square feet and no direct access to Route 50;
- Restaurant, including fast-food, with drive-through;
- Library; and
- Banquet/Event Facility, in excess of 25,000 square feet and no direct access to Route 50.

Permitting Convention or Exhibition and Banquet/Event Facilities in excess of 25,000 square feet as a Special Exception use ensures the impacts associated with a large facility can be mitigated on the surrounding uses. The size of the facility will determine if it is appropriately located within the Route 50 Corridor. Large conference facilities/convention centers are envisioned within areas planned Special Activity along the Dulles Greenway where access to transit will help to mitigate transportation impacts associated with these types of uses (*Revised General Plan, Chapter 6, Transit Nodes Text & Special Activity Uses Text*). Limiting direct access to Route 50 helps to achieve the transportation goals for the Route 50 Corridor, consolidating and reducing access points (*Revised General Plan, Chapter 6, Arcola Area/Route 50 Corridor Plan, Transportation Policies, Policy 1*).

#### Analysis

***Community Planning Staff finds the proposed changes/additions to the list of Special Exception uses may be reasonable given that any inconsistencies with Plan policies may be identified and mitigated through the legislative process.***

#### Other

The Zoning Ordinance Amendment also proposes changes to the yard requirements, lot coverage, building height, base Floor Area Ratio (FAR), adjusted base FAR, prohibited uses, landscaping, and auxiliary uses. Some of the proposed changes were generated by Zoning Staff to simplify the existing language or correct typographical errors. The proposed amendments would permit an increase in the building height as well as an increase in lot coverage by Special Exception. These amendments are consistent with amendments approved with ZOAM 2012-0002 for the Planned



Development – Office Park (PD-OP) and Planned Development – Industrial Park (PD-IP) zoning districts. The amendments also permit an increase in the overall FAR as well as increases in the FAR when certain requirements are met. One of the criteria for obtaining an increase in FAR is when a unified development plan is submitted involving multiple parcels. This amendment is to promote lot consolidation consistent with the goals of the Revised General Plan.

### **Analysis**

***While the Plan does not support changes to the CLI district, the proposed changes/edits may be reasonable as they would permit an increase in height and FAR requirements for uses envisioned within the Route 50 Corridor, such as office. However, to ensure consistency between the planned land use and zoning, the area would need to be remapped to a zoning district which corresponds with the planned land use.***

### **RECOMMENDATION**

The Plan fosters an environment beneficial to the growth, competitiveness, and expansion of established businesses, start-ups, and spin-offs. The County's ability to address transportation needs is crucial to accommodate existing businesses and attract new ones. The Plan identifies economic development corridors where location, transportation, and communication infrastructure promote business concentration. This helps to maintain the value of the commercial investments in those corridors and ensures the highest and best use of these areas. Changes to the Zoning Ordinance inconsistent with the Plan hinder the County further from achieving these economic development goals. As proposed, the amendments seek to reduce impacts by limiting size and access onto Route 50. However, the overarching issue pertaining to the inconsistencies between the CLI zoning district and the planned land use designation for the Route 50 Corridor remain. The Planning Commission may wish to explore options to remap the currently zoned CLI properties along the Route 50 Corridor to a zoning district that implements the County's long-term vision, such as PD-IP or PD-OP.

cc: Julie Pastor, AICP, Director, Planning  
John Merrithew, AICP, Assistant Director, Planning  
Cynthia L. Keegan, AICP, Program Manager, Community Planning


## County of Loudoun

### Department of Transportation and Capital Infrastructure

#### MEMORANDUM

**DATE:** August 1, 2013

**TO:** Theresa Stein, Project Manager  
Department of Building and Development

**FROM:** Lou Mosurak, AICP, Senior Coordinator   
Transportation Division

**SUBJECT:** **ZOAM 2013-0007—CLI District Zoning Ordinance Amendments, Package 2  
First Referral**

---

#### **Background**

This Zoning Ordinance Amendment (ZOAM) proposes changes to the Revised 1993 Zoning Ordinance for the CLI (Commercial Light Industry) zoning district that would (1) reclassify certain uses currently permissible by SPEX (motor vehicle sales, convenience food store, convention facility, and automobile service station) to permitted; (2) revise the definitions of certain uses (motor vehicle service and repair – light, and convenience food store; (3) increase the base FAR from 0.4 to 0.45; (4) reduce setbacks for smaller properties, and (5) create performance standards for SPEX uses reclassified to permitted uses.

Department of Transportation and Capital Infrastructure's (DTCI's) review of this proposed ZOAM is based on materials received from the Department of Building and Development on June 28, 2013, including (1) a referral cover sheet, dated June 27, 2013; (2) a summary of approved Package 1 CLI district amendments adopted by the Board of Supervisors on January 16, 2013, and proposed Package 2 CLI district amendments, undated; and (3) a draft strikethrough version of proposed CLI Zoning Ordinance text (Section 3-900), undated.

#### **Transportation Comments**

1. DTCI does not recommend that motor vehicle sales, convenience food stores, and automobile service stations be reclassified to permitted uses in the CLI district. Motor vehicle sales uses can vary widely in their size and thus their traffic impacts, and both convenience food stores and automobile service stations are uses which attract significant traffic volumes. All three of these uses would likely be located along U.S. Route 50, which is planned to be converted to a limited access facility in this area per the 2010 Countywide Transportation Plan (2010 CTP). Allowing these uses as permitted in the CLI district would eliminate the opportunity for legislative review of potential site-specific access, traffic circulation and operational issues; such review could result in changes to site design and/or site-specific conditions of approval consistent with the County's adopted policy to convert U.S. Route 50 to a limited access facility in the future.
2. DTCI could support reclassifying convention facilities from a SPEX to a permitted use provided that such facilities are limited to no more than 25,000 square feet in size and have alternate access other than to U.S. Route 50 in place when the use is established.

3. DTCI does not recommend revising the definition of “motor vehicle service and repair – light” to include gas station and car wash, nor does it recommend revising the definition of “convenience food store” to include gas pumps and car wash. Such changes would fundamentally alter each use and would intensify the resulting traffic impacts.
4. Should uses currently permissible by SPEX in the CLI district be reclassified to permitted, DTCI would support the development of effective performance standards that result in the mitigation of traffic impacts of the reclassified uses. DTCI staff is available to assist in this effort if needed.

cc: Joe Kroboth III, Director, DTCI  
Aaron Zimmerman, Senior Transportation Planner, DTCI


## County of Loudoun

### Department of Transportation and Capital Infrastructure

#### MEMORANDUM

**DATE:** September 12, 2013

**TO:** Theresa Stein, Project Manager  
Department of Building and Development

**FROM:** Lou Mosurak, AICP, Senior Coordinator   
Transportation Division

**SUBJECT:** **ZOAM 2013-0007—CLI District Zoning Ordinance Amendments, Package 2  
Second Referral**

---

#### **Background**

This referral reviews additional changes to the Revised 1993 Zoning Ordinance for the CLI (Commercial Light Industry) zoning district that have been proposed since the Department of Transportation and Capital Infrastructure's (DTCI's) first referral on this Zoning Ordinance Amendment (ZOAM), dated August 1, 2013. The additional changes now proposed include, but are not limited to, additional permitted uses including antique store, art gallery, museum, medical office, and continuing care facility.

This referral is based on DTCI's review of materials received from the Department of Building and Development on August 27, 2013, including (1) a referral cover sheet, dated August 26, 2013; (2) a draft strikethrough version of proposed CLI Zoning Ordinance text (Section 3-900), undated, and (3) a matrix summarizing the changes as currently proposed, undated.

#### **Transportation Comments**

The following comments are in addition to the comments contained in the first DTCI referral on this ZOAM, dated August 1, 2013.

1. DTCI does not support the proposed change of convenience food store, with or without gas pumps, from a use permissible by special exception (SPEX) to a permitted use. As noted in the first DTCI referral, the change in the proposed definition of "convenience food store" to include gas pumps fundamentally alters the use and intensifies the resulting traffic impacts.
2. DTCI acknowledges that certain office uses, including professional office, are currently permitted in the CLI district. However, DTCI notes that medical office uses, which are now proposed to be permitted, generate over three times the number of daily trips and over twice the number of PM peak hour trips as compared to equivalently-sized general office uses (professional office is categorized as general office per the Institute of Transportation Engineers' (ITE) Trip Generation Report, 9<sup>th</sup> Edition).
3. Continuing care facilities are now proposed as a SPEX use in the CLI district. DTCI understands that continuing care facilities may not necessarily be limited to senior housing

facilities, and as such, notes that traffic impacts greater than those of senior housing facilities may be realized.

4. Access requirements in the CLI district were modified with the adoption of ZOAM 2012-0002 in January 2013 to allow both right-in and right-out access to parcels along U.S. Route 50 if the owners of such parcels agree to relinquish direct access to U.S. Route 50 once alternate access becomes available. With the subsequent introduction of new uses not previously permitted or permissible in the CLI district, DTCL is recommending that certain uses with high trip generation rates be allowed only if direct access to the site is via a means other than from U.S. Route 50 when the use is established. The proliferation of individual direct access points along U.S. Route 50 jeopardizes the benefits of the increased capacity now being constructed by VDOT east of Poland Road (VA Route 742) and could hinder the conversion of U.S. Route 50 to a limited access facility in the future per the 2010 Countywide Transportation Plan (2010 CTP).

cc: Joe Kroboth III, Director, DTCL  
Aaron Zimmerman, Senior Transportation Planner, DTCL

**COUNTY OF LOUDOUN**  
**Department of Economic Development**

**REFERRAL**

**DATE:** August 6, 2013

**TO:** Teresa Stein, Planner, Zoning Administration

**FROM:** Robyn Bailey, Department of Economic Development

**CC:** Buddy Rizer, Interim Director, Department of Economic Development

**SUBJECT:** **ZOAM 2013-0007, Package 2 Commercial Light Industry (CLI) Zoning Ordinance Amendments**

**Description**

In 2012, a group of interested stakeholders from a variety of professional organizations (the “Stakeholders”) met with Planning and Zoning staff several times to discuss changes to the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) that would encourage economic development. The Stakeholders identified over 250 issues they felt hindered business activity and/or impeded economic development, and subsequently, generated 14 topic areas of amendments intended to make the Zoning Ordinance more business-friendly. The Stakeholders requested these amendments be acted on by the Board of Supervisors prior to the end of 2012. The Board took the topic areas and grouped them into three separate “packages” of amendments that would proceed sequentially. The amendments deemed “Package 1” (ZOAM 2012-0002) were adopted January 16, 2013, and became effective February 1, 2013.

In general, “Package 2” amendments include 1) adding data centers to the Zoning Ordinance; 2) reclassifying certain special exception uses to permitted uses in the commercial and industrial districts; 3) revising the standards for bed and breakfasts; and 4) additional amendments to the CLI (Commercial Light Industry) district, which include those Package 1 amendments that the Transportation and Land Use Committee (TLUC) forwarded to Package 2, as well as amendments suggested by CLI property owners at a meeting on April 24, 2013.

This application, ZOAM 2013-0007, represents the CLI suggested changes from the Stakeholders, the TLUC, and CLI property owners. In addition, there are amendments proposed that were generated from Staff in order to simplify the existing language, to correct typographical errors, or to further encourage development along Route 50.

**Evaluation**

DED has been a key member of the county team working on the CLI zoning text changes and is in agreement with the proposed staff updates.

DED suggests taking a closer look at the list on 3-907 (J). The list of uses that are not be permitted seems outdated and in many cases, not necessary. Specifically, DED suggests removing the first item, ‘Alcoholic beverage manufacturing’ from the list, thus allowing for the potential of locating a brewery in the CLI district.

**County of Loudoun**

**Department of Building and Development**

**MEMORANDUM**

**DATE:** September 20, 2013

**TO:** Theresa Stein, Planner, Building and Development

**FROM:** Laura Edmonds, Environmental Review Team Leader

**CC:** Marie Genovese, Community Planning

**SUBJECT: ZOAM-2013-0007, Package 2 Commercial Light Industry (CLI) Zoning Ordinance Amendments**

---

Thank you for meeting with staff from the Environmental Review Team (ERT) on July 23 and September 10, 2013 to discuss the draft amendments to the Revised 1993 Loudoun County Zoning Ordinance (RZO) pertaining to the Commercial Light Industry (CLI) zoning district. ERT has reviewed the draft text and provides the following recommendations.

**Executive Summary:**

Proposals to formalize ministerial versus legislative applications for proposed uses are complex to evaluate from an environmental and cultural resource perspective in that the affected land may contain similar natural and cultural resources, but is analyzed to varying levels of detail dependent upon the application type. This is generally due to the fact that there are certain environmental policies in the Revised General Plan that have not been implemented through accompanying ordinance amendments, but are implemented by the application checklist or by policy during the legislative review (e.g., the Phase 1 Archaeological Survey and the River and Stream Corridor Resource Buffer, which provides buffers adjacent to streams within the Major and Minor Floodplain). This is further complicated by the need to assess resources on a case-by-case basis, which is afforded by the legislative process, but is not inherent in the ministerial process. For these reasons, staff recommends that environmental and cultural performance standards be applied uniformly to both ministerial and legislative applications in the CLI and other zoning districts.

Given the number of recent zoning ordinance amendments to allow additional uses by-right, staff recommends a more comprehensive zoning amendment that focuses on environmental and cultural performance standards in all districts. Such amendment would allow a detailed examination of these issues and promote consistency among zoning districts. At a minimum, coordination in the review of the current ZOAMs is needed to ensure a level of consistency.

## Recommendations:

To minimize impacts of the proposed ZOAM on environmental and cultural resources, ERT recommends that the draft performance standards be expanded to include additional data inventories and standards. Examples of such standards, also recommended in conjunction with ZOAM-2012-0004 (Public Schools By-Right in All Zoning Districts) and ZOAM-2013-0003 (Data Center and Miscellaneous Commercial/Industrial Amendments), include the following:

- A Phase I archeological survey shall be provided for the project site. The survey shall be prepared in accordance with the standards set forth in the Loudoun County Facilities Standards Manual.
- A tree inventory shall be provided for the project site. The tree inventory shall contain cover type descriptions inclusive of dominant species, growth rate, stocking/basal area, structure, form and quality characteristics, regeneration, age range, soils, aspect, stand history, invasive species, and hazard trees; as well as an inventory of specimen trees (evergreen and deciduous trees with calipers of 30 inches or larger measured 4.5 feet above the ground), located within 50 feet outside of the limits of clearing, including common name, scientific name, and condition rating.
- An additional 10 percent tree canopy shall be provided on site in addition to the tree canopy requirements in Section 5-1303.
- Eighty percent of the existing forest cover within the major and minor floodplain shall be preserved. A maximum of 20 percent of the existing forest cover within the major and minor floodplain may be removed to the extent necessary for the construction and/or installation of utilities, stormwater outfall improvements, and trails, subject to meeting the requirements in Section 4-1500.
- Unforested land within the minor and major floodplain, except those areas subject to an approved floodplain alteration or associated with wetland and/or stream improvement projects (creation, restoration, and enhancement), shall be reforested at a density of 300 3-gallon, containerized, native, deciduous trees per acre, or an alternative planting approach with anticipated equivalent performance approved by the County Urban Forester.
- No more than 10 percent of existing jurisdictional streams or wetlands shall be impacted on the project site. This will preserve water quality while avoiding or reducing the costs associated with wetland permitting and mitigation.
- Enhanced erosion and sediment control measures shall be implemented as follows: Super silt fence shall be substituted for silt fence in all perimeter locations; sediment traps and basins shall provide double the minimum required volume (286 cubic yards per acre), except that this volume may be reduced to avoid impacts to sensitive environmental features (e.g., streams, wetlands, forest cover, steep slopes); the use of stabilization matting shall be expanded to aid in establishment of vegetation, and development phasing shall be utilized to avoid extensive areas of disturbance for extended periods of time.
- Stormwater Best Management Practices (BMPs) shall be provided on site to the extent necessary to provide an additional 10 percent pollutant removal (measured in



pounds of phosphorus/acre/year) in addition to the water quality BMPs required by the Codified Ordinances of Loudoun County and the Loudoun County Facilities Standards Manual.

### **Cultural Resources:**

Staff has examined the cultural resources associated with the CLI-zoned parcels, which are concentrated along either sides of Route 50 from about Gum Spring Road to the Fairfax County line. Given that Route 50 is an historic transportation corridor, a number of archaeological sites have already been identified, and the presence of waterways in the area, there is a moderate to high probability for archaeological resources being found on the CLI parcels. These resources will not be identified and addressed concurrent with proposed land development applications if a Phase I archaeological survey is not required.

Route 50 (John Mosby Highway) follows an historic transportation corridor that started as a Native American trail to follow seasonally migrating game from the Potomac River west to the Shenandoah Valley. As European settlers expanded westward in the late 17th and 18th centuries, the Indian trail gradually became a more clearly defined roadway, and developed into an important trade route from the ports of Alexandria and Georgetown to Winchester. Along the route, small settlements sprang up to provide lodging and provisions for travelers, and also functioned as trade centers for local farmers. Large plantations were established in the countryside around Route 50. During the Civil War, the corridor was an important travelway for troops. In recent history, it has become a commercial and industrial corridor within the County.

A number of archaeological resources have been identified in the vicinity of this section of Route 50 as noted on the VDHR quad map provided as Attachment #1. Archaeological sites dating to the prehistoric era that have been identified adjacent to or near Route 50 in this vicinity include an Archaic period site and a Woodland period site that both most likely represent short term campsites. Historic period sites in close proximity to Route 50 include six 18<sup>th</sup>-19<sup>th</sup> century domestic sites and nine 19<sup>th</sup>-20<sup>th</sup> century domestic sites; the majority of these most likely represent dwellings or farmsteads. A number of other prehistoric and historic period sites have been identified further from the corridor but still within the general vicinity, as shown on the VDHR map.

Although Route 50 does not cross major waterways, there are numerous smaller waterways in the area which would have contributed to creating an environment attractive to both Native Americans and historic settlers. Furthermore, even though development has occurred in this area, there are pockets of land that have not been impacted by development that could contain significant archaeological resources.

### **Additional Considerations:**

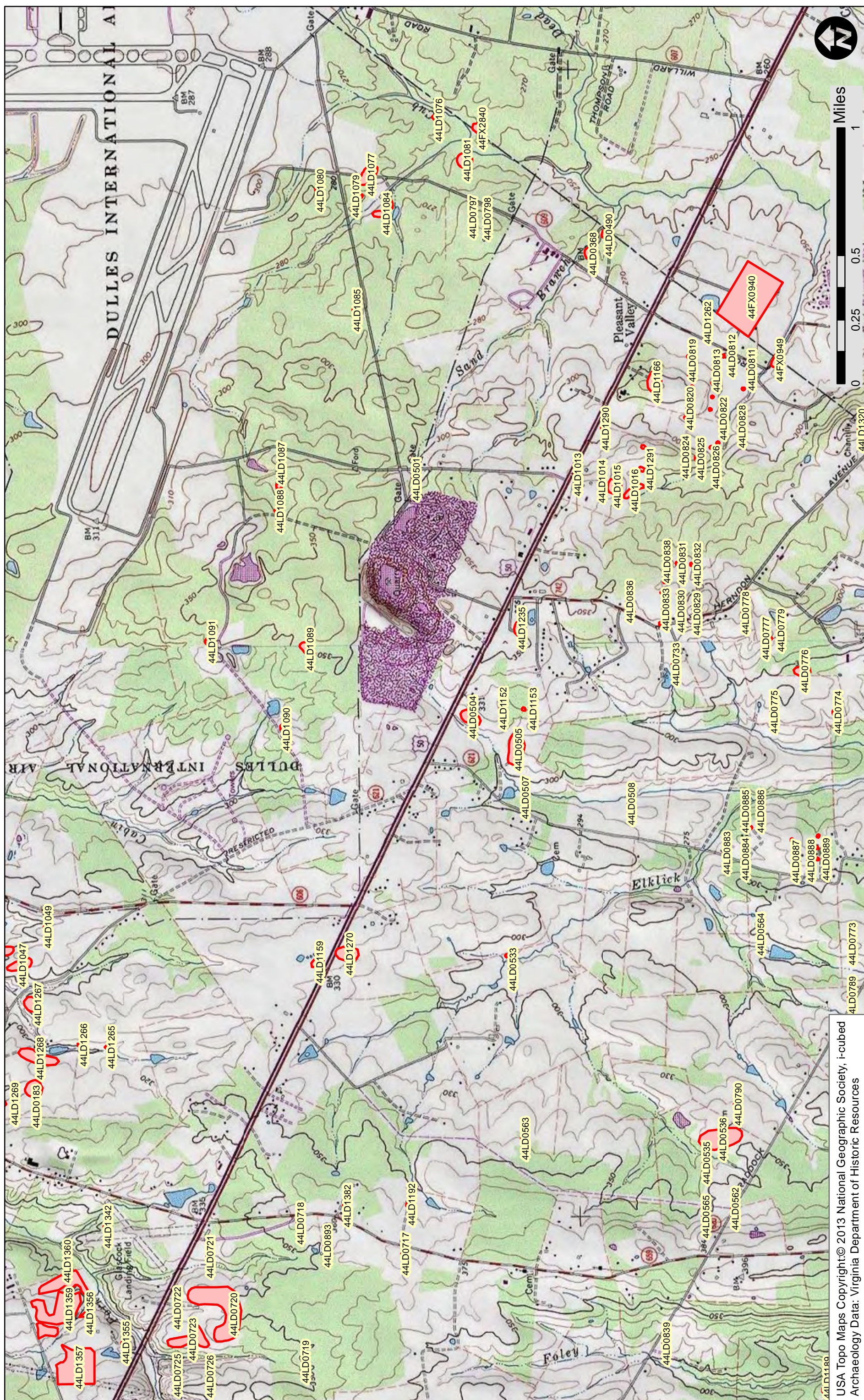
As noted in the referral comments provided for ZOAM-2012-0004 and ZOAM-2013-0003, staff also recommends that consideration be given to establishing a minimum site size requirement, exclusive of major floodplain, minor floodplain, very steep slopes, highly sensitive and sensitive mountainsides, limestone areas, and jurisdictional streams and

wetlands. This approach would ensure adequate space to accommodate proposed development, while minimizing conflicts with environmental features.

Thank you for the opportunity to provide input regarding the draft amendments. Please let me know if I can be of any further assistance.

Attachment #1: VDHR Quad Map







**COUNTY OF LOUDOUN**  
**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**MEMORANDUM**

TO: Ms. Theresa M. Stein, Zoning Division

FROM: Gary Clare, Engineering Division

DATE: July 8, 2013

RE: **ZOAM-2013-0007, Commercial Light Industry (CLI)**

---

I have received and reviewed the above referenced draft amendment, and would offer the following comments:

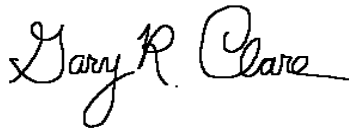
1. In Section 3-905(D)(2)(a) the phrasing should read "...in the event that a single parcel is zoned..." rather than, as currently: "...in the event that a signal parcel is zoned..."
2. In Section 3-906(B), recommend that the current standards for building heights be upheld without change, as building height increases to one hundred (100) feet as proposed may tend to undo the effectiveness of landscaping standards specifically designed and enacted for this corridor.
3. In Section 3-906(D)(1)(c), recommend the setbacks be applied as originally stated (i.e. "...right of way of a road in the primary system of state highways...") rather than "...of Route 50..." as proposed, since traffic on the northbound/southbound state highways in the immediate proximity of this corridor is also anticipated to increase dramatically in the near future, particularly in the vicinity of the intersections/interchanges with the Gateway region of Route 50 itself.
4. As a general comment, previous discussions regarding this second package of CLI amendments have proposed the following features, which are not recommended by this Division:
  - a. Possible reduction of the minimum lot size from 2 acres to 1 acre, in Section 3-905(a). Staff recommends the two acre minimum remain intact, since the increased density of separate uses possible with a one acre minimum, along with their increased overall numbers, would have deleterious effects on traffic through increased turning movements, commercial entrances in closer proximity to each other, and increased demands on driver attentiveness.

- b. Possible inclusion of gas pumps and car washes as by rights uses rather than Special Exception (SPEX) uses. Staff recommends that the current SPEX requirement be upheld for these two uses, since standards to accommodate their significant effects on both traffic and the environment are highly site-specific, and cannot be reasonably stated as a generic standard designed to attenuate all such parcels.
- c. Possible inclusion of retail sales establishments and motor vehicle sales as by rights uses rather than SPEX uses. Staff recommends that the current SPEX requirement be upheld for these two uses, since the types of essential yet admittedly “nuisance” uses that depend upon CLI zoning would experience reduced availability if such parcels were automatically granted uses that could be placed in many other zoning districts. It is also a concern of the staff that the types of traffic typical of retail uses would be in conflict with the types of traffic typical of light industrial uses, from perspectives of differences in size, differences in speed, dissimilar turning movements and differences among driver familiarity with the area.

Additional comments from this Division pertaining to environmental qualities and standards may follow under separate cover directly from the Environmental Review Team.

If you should have any questions, please feel free to contact me at (703) 777-0231.

Sincerely,

A handwritten signature in black ink that reads "Gary R. Clare". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Gary R. Clare, P.E.  
Assistant Director for Land Development Engineering

Cc:  
ERT Team Leader  
Deputy Chief Engineer



# Loudoun County, Virginia: CLI Zoning

